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ABSTRACT

In response to state legislation authorizing procedures for changes in academic calendars and measurement of student workload in California community colleges, this manual from the Chancellor's Office provides guidelines for student attendance accounting. Chapter 1 explains general items such as the academic calendar, admissions policies, student classification by enrollment status, and conditions affecting apportionment. Residency regulations and requirements are discussed in chapter 2, which begins with definitions related to residency and then explains legal requirements, exceptions, continuous attendance provisions, and procedures pertaining to students under jurisdiction of a California juvenile court. Guidelines for average daily attendance accounting cover reporting periods, attendance, classification for reporting hours of attendance, and computation of average daily attendance. Chapter 4 explains procedures for audit accountability, covering general considerations, the audit resolution process, required documentation tabulation, record retention, microfilm copies, and destruction of fiscal records. Finally, chapter 5 presents accounting procedures for apprenticeship courses. Addenda contain materials related to residence determination and courses eligible for state support. (LL)

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# CALIFORNIA COMMUNITY COLLEGES

# Student Attendance Accounting Manual

Joseph M. Freitas, Administrator
Fiscal Services

JC 830 445

## BOARD OF GOVERNORS



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# PREFACE

Recent legislation has authorized implementation of additional procedures for changes in academic calendars and for measurement of student workload in the California Community Colleges. Publication of this revised manual reflects the on-going efforts of the Chancellor's Office Fiscal Services and Legal Office staffs to provide guidelines and explanations of the increasingly complex mechanisms and requirements for student attendance accounting.

Delayed by a sequence of "pending" legislation and by the burning (#2) of the Chancellor's Office and subsequent disruption to internal procedures and support services, completion of this project is in large part due to the often heroic efforts of Helen Simmons of my staff. Catherine Close of the Legal Office has provided an inestimable service in leading us through the tangled thickets of residency determination and classification.

New features have been added in this edition, including a loose-leaf format to facilitate future addenda or revisions by allowing convenient insertion of new or replacement pages as they may be needed. We continue to invite suggestions for improvements to this document, which you may forward to Helen Simmons or Roger Merle, Fiscal Services Unit.

Joseph M. Freitas, Administrator
Fiscal Services

Gerald C. Hayward
Chancellor

Sacramento
July 1983

TABLE OF CONTENTS


| | | Page |
|---|---|---|
| PREFACE | | i |
| TABLE | | ii |
| CHAPTER 1. | GENERAL | 1.01 |
| CHAPTER 2. | RESIDENCY REGULATIONS AND REQUIREMENTS | 2.01 |
| CHAPTER 3. | AVERAGE DAILY ATTENDANCE ACCOUNTING | 3.01 |
| CHAPTER 4. | AUDIT ACCOUNTABILITY | 4.01 |
| CHAPTER 5. | ACCOUNTING PROCEDURES FOR APPRENTICESHIP COURSES OF RELATED AND SUPPLEMENTAL INSTRUCTION | 5.01 |


ADDENDA


| | | |
|---|---|---|
| Addendum A | Residence Questionnaire | A-1 |
| Addendum B | "Residence Determination for Certain Aliens" | B-1 |
| Addendum C | "Residence Determination: Financial Independence | C-1 |
| Addendum D | Courses Eligible for State Support | D-1 |

# CHAPTER 1. GENERAL

## Contents


| | Page |
|---|---|
| Academic Calendar | 1.03 |
| College (Fiscal) Year | 1.03 |
| Academic Year | 1.03 |
| Regular (Day) College | 1.03 |
| Flexible Calendar | 1.03 |
| Semester | 1.03 |
| Quarter | 1.04 |
| Primary Term | 1.04 |
| Intersessions | 1.04 |
| Summer Intersession | 1.04 |
| Census Weeks (Weekly Student Contact Hour Procedure) | 1.04 |
| Census Date | 1.05 |
| Census Day (Daily Student Contact Hour Procedure) | 1.05 |
| Saturday/Sunday | 1.06 |
| Drop Date | 1.06 |
| Residency Determination Date | 1.06 |
| Mandatory Holidays | 1.06 |
| Other Holidays | 1.06 |
| Admission and Enrollment | 1.07 |
| General | 1.07 |
| May/Shall Admit | 1.07 |
| Certificate or Proficiency | 1.07 |
| California High School Equivalency Certificate (GED) | 1.07 |
| Classification by Enrollment Status | 1.09 |
| Enrolled Student | 1.09 |
| No Show | 1.09 |
| Drop | 1.09 |
| Withdrawal (from a course) | 1.09 |
| Withdrawal (from college) | 1.09 |
| Conditions Affecting Apportionment | 1.09 |
| General Requirement | 1.09 |
| Required Days of Instruction and Evaluation | 1.09 |
| Conditions for Inclusion as One of the Required Days of Instruction | 1.10 |
| Immediate Supervision | 1.11 |
| Instructional Aides | 1.12 |
| Educational Activities Required of Students | 1.12 |
| Employee of the District | 1.12 |

## Contents


| | Page |
|---|---|
| Conditions Affecting Apportionment (continued) | |
| Approved Courses Eligible for Apportionment Purposes | 1.13 |
| Open Enrollment | 1.13 |
| District Policy | 1.14 |
| Course Description | 1.14 |
| Prerequisites | 1.14 |
| Dissemination of Information | 1.15 |
| Registration and Enrollment Procedures | 1.15 |
| Enrollment Limitations | 1.15 |
| Courses not Eligible for State Support | 1.16 |
| Apprenticeship Classes of Related and Supplemental Instruction Maintained Pursuant to Labor Code Section 3074 | 1.16 |
| In-Service Training Courses | 1.17 |
| Intercollegiate Athletic Courses | 1.17 |
| Outdoor Science and Conservation Courses | 1.17 |
| Courses and Programs for Students with Learning Disabilities | 1.17 |
| Inmates of Institutions | 1.18 |
| Field Trips | 1.18 |
| Open Entry/Open Exit Courses | 1.18 |
| Course Repetition | 1.18 |

CHAPTER 1

GENERAL

Academic Calendar

| College (Fiscal) Year | Reference |
|---|---|
| The fiscal year for community colleges begins on July 1 of each calendar year and ends on June 30 of the following calendar year. | ECS 79000 |
| **Academic Year** | |
| That portion of the college year during which the regular (day) college is maintained for not less than the required minimum days of instruction and/or evaluation in order to qualify for full apportionment from the State School Fund. | ECS 79001<br>ECS 84370 |
| **Regular (Day) College** | |
| All programs and courses of credit or noncredit instruction offered by a community college regardless of time of day offered. Programs and courses offered by an "evening" or "adult" college separately established by the district governing board pursuant to ECS 78401 are excluded. | ECS 78401 |
| **Flexible Calendar** | |
| A community college district board may offer, subject to the approval of the Chancellor's Office and in accordance with rules and regulations adopted by the Board of Governors, courses under a flexible calendar. The sum of the days in the academic year of a district operating pursuant to a flexible calendar shall be at least 175 days, and at least 160 of these days must meet or exceed the standards for counting a day prescribed by the Board of Governors pursuant to Section 84370 of the Education Code. Not more than 20 days during the academic year, during which not more than 15 days per employee may be designated by a district to conduct staff, student, and instructional improvement activities. | ECS 78002<br>ECS 84890<br>T5 55702<br>T5 55724 |
| **Semester** | |
| Common usage has designated a semester as being a period of instruction and evaluation one-half of the required days of instruction for an academic year. | |

Quarter — Reference

Common usage has designated the quarter as being a period of instruction and evaluation one-third of the required days of instruction for an academic year.

Primary Term

The governing board of each community college district shall establish a single primary term for each of its colleges of not less than ten weeks in length. (See Chapter 3 for additional discussion.) — ECS 84520

Credit courses scheduled coterminously with the primary term are those courses scheduled to meet the same number of weeks (including final examination scheduling) as the primary term. — T5 58004

Intersessions

A community college district may maintain intersessions (including summer intersessions) with the approval of the Chancellor. — ECS 84520, T5 58002

Census Weeks (See weekly student contact hour procedure, Chapter 3.)

In general, census weeks are those weeks nearest to one-fifth and three-fifths of the length of the primary term and apply only to credit courses (except independent study and work experience courses) scheduled regularly with respect to the number of hours the course meets on each scheduled week, and scheduled coterminously with the district's primary term. To identify the two census weeks for primary term length courses (coterminous), multiply the number of weeks the course is scheduled to meet by 0.2 and 0.6 (using standard rounding rule) with the exception that regardless of the primary term length (not less than 10 weeks) first census date may not be earlier than Monday of the third week. This administrative decision leaves only two choices for primary term first census weeks: third or fourth. — ECS 84520(b)

The rule applies for determining second census weeks with the exception that the second census date may not be earlier than Monday of the seventh week as follows:

| Primary Term Length | Second Census Week |
|---|---|
| 10.0 to* 12.5 weeks | 7th week |
| 12.5 to* 14.5 weeks | 8th week |
| 14.5 to* 16.0 weeks | 9th week |
| 16.0 to* 17.5 weeks | 10th week |
| 17.5 or more weeks | 11th week** |

*but not including . . .
**This applies in the spring semester as well.

Census Weeks (continued) — Reference

Any district that does not change its calendar configuration may petition the Chancellor to retain the prior census dates (Education Code Section 84520). — ECS 84520

Each week of the primary term shall include at least three days of instruction or examination. — T5 58004

Census Date

For credit courses scheduled coterminously with the primary term, the census date is Monday of each census week. If the census date falls on a holiday, the next succeeding college day is designated as the census date. — ECS 84520

Census Day (See daily student contact hour procedure, Chapter 3.)

The census day concept is applicable only to credit courses (except independent study and work experience courses) scheduled to meet five or more times, and scheduled to meet for the same number of hours for each scheduled session, and not scheduled coterminously with a primary term. For these courses only those days for which such a course is scheduled to actually meet (excludes holidays and includes only that day of final examination that is so scheduled) are counted for attendance purposes. — ECS 84520(c)

These courses may be scheduled at any time of the college year. All summer or other intersession credit courses of five or more days in length are included in this category.

Census for these courses is taken on that scheduled day of the course that is nearest one-fifth (0.2) and three-fifths (0.6) of the number of days for which each course is scheduled to meet. Standard rule for rounding decimal fractions is to be applied as follows:

| | Scheduled Number of Course Sessions | | | Census Day |
|---|---|---|---|---|
| 1st Census | 20 | x 0.2 = | 4.0 = | 4th Session |
| 2nd Census | 20 | x 0.6 = | 12.0 = | 12th Session |
| 1st Census | 16 | x 0.2 = | 3.2 = | 3rd Session |
| 2nd Census | 16 | x 0.6 = | 9.6 = | 10th Session |

Holidays do not pose a problem in determining census for these courses since they are not scheduled to meet on holidays.

| Saturday/Sunday | Reference |
|---|---|
| For apportionment purposes community colleges may now count classes conducted on any non-holiday day of the week including Saturday and Sunday. Saturdays and Sundays may be counted toward the "175-day requirement" if the level of instructional activity meets conditions for inclusion as such a day. | ECS 79028<br>ECS 84370<br>T5 58120 |
| **Drop Date** | |
| The end of business of the day immediately preceding each census date or day and is used to clear the rolls of inactive enrollment for attendance accounting purposes. (See Inactive Enrollment, Chapter 4.) | T5 58004 |
| **Residency Determination Date** | |
| The day immediately preceding the opening day of instruction of the quarter, semester, or other session as set by the district governing board. (See Chapter 2.) | ECS 68023<br>T5 54002 |
| **Mandatory Holidays** | |
| All colleges must be closed on the following holidays: January 1, February 12, third Monday in February, last Monday in May, July 4, first Monday in September, November 11, Thanksgiving Day as proclaimed by the President of the United States, and December 25. If any of these dates falls on a Saturday, the preceding Friday is the holiday; if any falls on Sunday, the succeeding Monday is the holiday. These days do not count towards the required days of instruction and evaluation. | ECS 79020 |
| **Other Holidays** | |
| The district governing board may determine and must declare which other holidays it will observe and on what days it will observe them. Any holiday for which a college is closed cannot count towards the required days of instruction and evaluation. | ECS 79022 |

## Admission

| General | Reference |
|---|---|
| The Education Code provides that the district governing board may/shall admit certain persons to the college(s) under its jurisdiction. In the following list it is presumed that an appropriate college official, acting within the policy of the district, may/shall admit students. | |
| a. Shall admit any California resident, and may admit any nonresident, possessing a high school diploma or equivalent, such as a Certificate of Proficiency by the State Board of Education. | ECS 76000<br>ECS 48412 |
| 1. Certificate of Proficiency: | |
| May be awarded to any person 16 years of age or older who has enrolled in the tenth grade for at least one academic year and passes a proficiency examination established by the Department of Education and shall be the equivalent to the high school diploma. | ECS 48412 |
| 2. California High School Equivalency Certificate (GED) | |
| May be awarded to persons who are at least 18 years of age and have passed a general educational development test approved by the Department of Education. It is a more limited certificate, equivalent to the high school diploma only for purposes of public employment requirements. | ECS 51425 |
| b. May by rule determine whether there shall be admitted, as a provisional student, any other person over the age of 18 who is capable of profiting from the instruction offered. | ECS 76000 |
| c. May admit any apprentice as defined in Section 3077 of the Labor Code who is capable of profiting from the instruction offered. | ECS 76000 |
| d. May admit to a regular term as a special part-time student any student whose admission is recommended by the school principal and consented to by the parents. Credit for courses completed shall be at a level determined to be appropriate by the community college district. | ECS 76001 |

| | | Reference |
|---|---|---|
| e. | May admit to a summer intersession, as a special part-time student, any student who has completed the 10th grade and whose admission is recommended by the high school principal and consented to by the parents. The number of such persons recommended shall not be in excess of 5 percent of the total number of students who have completed a particular grade immediately prior to the time of recommendation. | ECS 76002 |
| f. | Shall admit students under the jurisdiction of the Department of the Youth Authority if they otherwise qualify. They shall be admitted as district resident students. | ECS 84531 |
| g. | Shall admit a district resident of another district unless such admission would be contrary to the terms of an interdistrict agreement or a notice of restriction. If a district student is not permitted to enroll in another district because of an inter-district agreement or notice of restriction, the student may appeal to the county board of education in the county of the student's residence. | ECS 78030<br>ECS 78033 |
| h. | May admit nonresident and foreign students. The attendance hours of such students shall not be counted for apportionment of state funds, except for students enrolled in specified noncredit classes and refugees taking vocational education and ESL courses, and taking 6 units or less. | ECS 78462(a)<br>ECS 84521.6<br>ECS 84711 |

## Classification by Enrollment Status

| Enrolled Student | Reference |
|---|---|
| A student who has been admitted to the college and who is officially enrolled in one or more courses. | Admin. |
| **No Show** | |
| An enrolled student who has not attended one or more courses at any time. | Admin. |
| **Drop** | |
| An enrolled student who has cancelled enrollment in a course or for whom such disenrollment has been initiated by the instructor or other college authority in accordance with college policy; but who is still enrolled in one or more other courses. | Admin. |
| **Withdrawal (from a course)** | |
| A withdrawal in this context has the same meaning as a drop initiated by the student. | Admin. |
| **Withdrawal (from college)** | |
| An enrolled student who (a) has initiated action to cancel enrollment in all courses or (b) has had such action initiated by authorized college personnel in accordance with college policy. | Admin. |

## Conditions Affecting Apportionment

**General Requirement**

| | |
|---|---|
| Units of average daily attendance are to be reported for State apportionment if all requirements of statute and regulation are met, whether or not funding is available. | T5 58003<br>CCFS-320 |

**Required Days of Instruction and Evaluation**

| | |
|---|---|
| 1. All community college districts must maintain a minimum of 175 days of instruction, except for districts with approved flexible calendar operations. Flexible calendar districts may designate up to 20 days during the academic year and not more than 15 days per employee for | ECS 84370<br>ECS 84894<br>T5 55722 |

Reference

in-lieu-of activities; however, the district must still meet the minimum day requirements of instruction and/or evaluation for at least 160 days of the academic year. (For flexible calendar operations see Chapter 3.)

2. For any district which fails to meet the required minimum days of instruction and evaluation, the Board of Governors shall withhold from the district the product of 0.01143 times the district's apportionment times the number of days the district is short of the required days of instruction. ECS 84370(c)

Conditions for Inclusion as One of the Required Days of Instruction

1. For a day to count towards meeting the requirements of Education Code Section 84370, the total districtwide hours of course offerings scheduled during the day must be at least fifty percent (50%) of the preceding year's average daily hours of course offerings (computed by dividing the total annual scheduled hours of apportionment-eligible course offerings by the total number of days of scheduled instruction). T5 58120

2. Days of final examination may be counted toward meeting the requirements of Education Code Section 84370, provided that: T5 58120(b)

   a. Such examinations are administered under the immediate supervision and control of an appropriately certificated employee of the district; and

   b. Not more than fourteen days of final examinations are counted for any academic year.

3. Registration and commencement activities cannot be included as part of the minimum day requirement.

4. Holidays cannot be counted.

| Immediate Supervision | Reference |
|---|---|
| 1. Immediate supervision is one of the requirements of the Education Code for a course to generate ADA eligible for State apportionment. Immediate supervision or presence is characterized by all of the following: | ECS 84500(a)(1) |
| a. The certificated employee is able, in terms of physical proximity and range of communication, to provide immediate instructional supervision and control; and | |
| b. The certificated employee is in a position to provide the supervision and control necessary for the protection of the health and safety of students; and | |
| c. The certificated employee is not to have any other assigned duty during the instructional activity for which attendance is being claimed. | |
| 2. The criteria are to be applied in recognition of the fact that the need for immediate supervision will vary according to the course being offered, as well as with the design or mode of instruction of such course or program. | |
| 3. In computing average daily attendance of a district, attendance is included of students enrolled in approved courses or programs of independent study, who are under the supervision, control, and evaluation but not necessarily in the "immediate presence" of a certificated employee. | ECS 84500(a)(2)<br>T5 55300 |
| 4. "Immediate supervision" in work experience education programs is outlined in the training agreement, coordinated by the district under a state-approved program, wherein the employer and certificated employee of the district share the responsibility for on-the-job supervision. | ECS 84500(b)<br>T5 55250 |
| 5. In clinical activities for allied health (dental lab, nursing programs, etc.) "immediate supervision" means student participation in such programs wherein the person to whom the student is required to report for training, counseling, or other prescribed activity shares the responsibility for the supervision of the students with certified personnel of the district. | ECS 84500.5<br>T5 58056 |

Instructional Aides — Reference

1. Instructional aides are classified employees who are employed to assist classroom teachers and other certificated personnel. Instructional aides may not be assigned a class and shall not be deemed certificated personnel for apportionment purposes. Therefore, where an instructional aide is assigned a class (is the "instructor of record"), the contact hours generated in such a class do not qualify for apportionment purposes. — ECS 72401, ECS 88240ff, T5 58056(c)

2. Attendance may qualify under the following limited circumstances: — ECS 88240ff, T5 58056

   a. The assistant or aide functions under the exclusive direction of the certificated employee assigned to that educational activity, and not independently; and,

   b. The assistant or aide performs only those duties specifically authorized by law.

   c. The certificated employee is able, in terms of physical proximity and range of communications, to provide necessary supervision and control of students.

Educational Activities Required of Students

Only the attendance in scheduled and supervised instructional activities required of all students enrolled in a course may be claimed for apportionment purposes.* Attendance for learning assistance activities in a course shall be reported for state apportionment only when such activity is required of all students and is offered during scheduled course hours; or, when learning assistance is offered as another course meeting standards for apportionment. If attendance is to be claimed for a course in which students are engaged in varying activities without commonality, the course must be conducted as independent study. — T5 58054

Employee of the District

1. A person is an employee of the district if: — T5 58058

   a. The district has the primary right to control and direct the person's activities during the time such person is serving the district; and,

* Hours generated by a student not enrolled in or not carrying out the instructional activities required of all students in a class may not be claimed for apportionment purposes. (Such student is commonly called an "auditor".)

| | Reference |
|---|---|
| b. A contract exists between the person and the district, indicia of which may include provisions which specify the terms and conditions of work, salary and other compensation, work to be performed, and employment classification; and, | T5 58054 |
| c. The district compensates the person according to an adopted salary or wage schedule. A salary or wage schedule may include $1 or $0 compensation per year if adopted by the governing board. | |
| 2. A district may also contract for instruction to be provided by a public or private agency. Such contracts shall specify that the district has the primary right to control and direct the activities of the person or persons furnished by the public or private agency during the term of the contract. In addition, the district shall enter into a written contract with each person furnished by the public or private agency. In this manner an individual employed will continue to be an employee of a public or private agency, while at the same time qualifying as an employee of the district. | T5 58058 |

Approved Courses Eligible for Apportionment Purposes

Attendance for apportionments shall not be reported unless:

| | |
|---|---|
| a. The course is in an educational program that has been approved by the Board of Governors; or | ECS 78200<br>ECS 78203 |
| b. The course itself was approved by the Board of Governors. | T5 55100 |

Open Enrollment

| | |
|---|---|
| 1. Unless specifically exempted by statute, every course, course section or class, shall be fully open to enrollment and participation by any student who has been admitted to the college and meets such prerequisites as defined by Title 5 regulations. | T5 58100 |
| 2. Attendance in courses which are not open to the general public shall not be reported for apportionment. Exceptions are made for special noncredit classes for handicapped adults and for those in state hospitals and for apprenticeship classes. | ECS 84500.1(1)<br>ECS 78440<br>Labor Code Section 3074.3 |
| 3. Every community college district shall provide access to its services, courses, and programs without regard to race, religious creed, color, national origin, ancestry, handicap, or sex. | ECS 40 and 41 |

| | | Reference |
|---|---|---|
| 4. | A statement regarding adopted district board policy shall be published in the official catalog, schedule of classes and addenda of courses for which ADA is reported for State apportionment. | T5 58012<br>T5 58106 |
| 5. | The description of each course shall be clear and understandable to the prospective student and shall be published in the official catalog, and/or schedule of classes, and/or addenda. The description may indicate that the course is designed to meet certain specialized needs, but must indicate the course is available to all qualified students. | T5 58102<br>T5 58104<br>T5 58106 |
| 6. | Course prerequisites shall not state or imply that enrollment in a course is limited to specialized clientele unless that limitation is authorized by law: | T5 58104 |
| | a. Academic prerequisites for a course should be clearly related to course content and academic foundation of such course. | |
| | b. In activity or laboratory courses, prerequisites may require demonstrated ability or technical performance to a level of proficiency to be determined by equitable district procedures. Experience requirements may not be established solely on the basis of "hours of exposure." | |
| | c. If a course is one in a related sequence of courses in which understanding or technical performance of the one is dependent upon successful completion of the preceding is acceptable. | |
| | d. "Permission of the instructor" as an alternative shall be limited in application in determining academic prerequisites or performance standards in activity or laboratory type courses. | |
| | e. Concurrent enrollment in a course may be a prerequisite when the courses are clearly complimentary and the relationship of instruction is evident. | |

| | | Reference |
|---|---|---|
| f. | Where health, safety, legal requirements or the facility is a limiting factor in the conduct of a course, the governing board shall establish official policy delineating prerequisites, requirements and fair and equitable procedures to meet such limitation. | T5 58104 |
| g. | Prerequisites for work experience shall be as stated in Title 5 Section 55250. | |
| h. | Scoring on a relevant standardized examination or test at a level sufficient to clearly indicate ability to benefit from instruction is acceptable. | |
| 7. | Registration as an indentured apprentice in a program approved by the Division of Apprenticeship Standards of the Department of Industrial Relations is an acceptable prerequisite to enrollment in a class of related and supplemental instruction. | LCS 3074.3<br>LCS 3077 |
| 8. | All courses conducted must be clearly described in the official general catalog and/or addenda and listed in the schedule of classes. | T5 58106 |
| 9. | Announcement of course offerings must be reasonably well publicized and not limited to a specialized clientele. | |
| 10. | No registration procedures shall be used that result in restricting enrollment to a specialized clientele. | T5 58108 |
| 11. | The following registration procedures are permissable: special registration assistance to the handicapped or disadvantaged students as defined by statute, for the purpose of providing equalization of educational opportunity; and enrollment of students in accordance with a priority system established by the local governing board. | |
| 12. | With respect to accessibility to off-campus sites and facilities, no student is to be required to make any special effort not required of all other students in registering in any course or course section. Once enrolled in the course, all students must have equal access to the site. | |

| | Reference |
|---|---|
| 13. Colleges are not obligated to admit students to classes, courses or programs beyond the limitations imposed by physical facilities, availability of qualified instructors, funding limitations, and the constraints of regional planning. | T5 58110 |

Courses Not Eligible for State Support

| | |
|---|---|
| The following courses cannot be reported for State support: | ECS 84500 |
| a. Community service classes | T5 58052 |
| b. Noncredit classes in: | ECS 78462(a) |
| (1) Recreational physical education; or<br>(2) Recreational dancing. | ECS 78460 |
| No state apportionment shall be made for any noncredit course or class which is not set forth in ECS 84711. | ECS 84711<br>T5 58160 |
| c. Any credit or noncredit course excluded by extension of Item 6870-101-001 of the Budget Act of 1982.* | T5 68050 |
| d. Any course in which the district receives full compensation for direct educational costs from any public or private agency, individual or group of individuals. | ECS 84500.1 |

Apprenticeship Classes of Related and Supplemental Instruction Maintained Pursuant to Labor Code Section 3074

| | |
|---|---|
| Indentured apprentices enrolled in courses of related and supplemental instruction maintained pursuant to LCS 3074 no longer generate ADA. Students other than indentured apprentices enrolled in such courses continue to generate ADA on a positive attendance basis. | LCS 3074<br>CCFS-320<br>CCFS-321<br>T5 58008 |
| Attendance of indentured apprentices in other courses other than apprenticeship courses is accounted for in the same manner as for other students in such courses. (See Chapter 5.) | |

* Provisions have been continued as a result of AB 146, Chapter 69, 1983.

| In-Service Training Courses | Reference |
|---|---|
| Attendance of students in in-service training courses in the areas of police, fire, corrections, and other criminal justice system occupations must be reported separately. At least 15% of classroom spaces of such courses must be open to non-service students if they request such enrollment. | ECS 84500(c)(d)<br>PCS 832.3 |
| **Intercollegiate Athletic Courses** | |
| Attendance of students in approved intercollegiate athletics may be claimed for apportionment; however not more than 175 hours of attendance can be claimed for each student in each fiscal year for any single sport. | T5 58162 |
| **Outdoor Science and Conservation Courses** | |
| Any district may maintain outdoor science and conservation courses and forestry courses within or without the district. Attendance for apportionment purposes in such courses shall include those scheduled contact hours for instruction and/or laboratory under the direct supervision of a certificated person holding a valid credential. Hours of instruction on July 4, a mandatory holiday, may be counted. | ECS 79032<br>ECS 87604.1<br>ECS 87604.2 |
| **Courses and Programs for Students With Learning Disabilities** | |
| Attendance for apportionment purposes in courses for students with learning disabilities and in sheltered workshops shall qualify under the following circumstances: | T5 56350ff |
| a. The course shall include only those scheduled contact hours for instruction and/or laboratory under the direct supervision of a certificated person holding a valid credential; | |
| b. No student shall be credited with more than 30 contact hours of attendance during any one school week; and | ECS 76340 |
| c. Only the attendance of students who have generated fewer than 4,000 contact hours of attendance shall be counted, unless the Chancellor grants a specific written waiver of this requirement. | ECS 78600 |

Inmates of Institutions — Reference

Attendance of adults who are inmates of a state penal institution, city or county jail, road camp, or farm may not be counted for apportionment purposes. However, a district can be allowed an amount equal to its actual current expense for such classes. The amount cannot exceed the amount of total state aid which the district would have received had the ADA in such classes been counted. — ECS 84810, ECS 84811

Field Trips

1. The attendance of a student on an authorized field trip or excursion may be considered attendance for apportionment purposes. — ECS 72640

2. No more contact hours shall be reported for a field trip or excursion than if the class were held on campus. Not more than 48 hours of attendance per unit of credit earned can be claimed per student. — T5 58166

3. No group shall be authorized to take a field trip or excursion if any student who is a member of the identifiable group will be excluded from participation because of his/her lack of sufficient funds.

Open Entry/Open Exit Courses

Students may enroll in open entry/open exit courses at varying times, progress at varying paces, and receive varying units of credit. — ECS 84520, T5 58164

Apportionment attendance cannot be claimed for more than two times the class hours normally required to complete the course.

Course Repetition — T5 58161

1. Attendance in a course in which a student has previously received a grade may be repeated for apportionment purposes, only if:

   a. The student is repeating the course to alleviate substandard work which has been recorded on the student's record.

   b. The student's previous grade is the result of extenuating circumstances.

   c. It has been determined by the college that student should repeat a course because there has been a significant lapse of time since the student previously took the course.

Reference

2. The attendance of a student repeating a course for other than the circumstances listed in (1) above, may be claimed for apportionment purposes, for not more than three semesters or five quarters upon approval of the Chancellor in accordance with the following procedure: T5 58161

   a. The course is identified and published in the district catalog of courses as repeatable.

   b. Each such identified course is one in which the content or focus differs each time it is offered and provides the repeating student the opportunity to gain an expanded educational experience because:

      (1) Skills are enhanced; or

      (2) Active participatory experience is a basic means to achieve learning objectives.

   c. The district must develop and implement a system for monitoring such repetition.

# CHAPTER 2. RESIDENCY REGULATIONS AND REQUIREMENTS

## Contents


| | Page |
|---|---|
| Definitions | 2.03 |
| General | 2.03 |
| Residence | 2.03 |
| Student | 2.03 |
| Resident | 2.03 |
| Nonresident | 2.03 |
| District Resident | 2.03 |
| Nondistrict Resident | 2.04 |
| District | 2.04 |
| Resident Classification | 2.04 |
| Residency Determination Date | 2.04 |
| Physical Presence | 2.04 |
| Institution | 2.04 |
| Parent | 2.04 |
| Foreign Student | 2.04 |
| Continuous Attendance | 2.05 |
| Full-Time | 2.05 |
| General Law | 2.05 |
| Criteria for Determining Residence | 2.05 |
| Residence Questionnaire and Supplemental Residence Questionnaire | 2.06 |
| Evidence of Intent | 2.06 |
| Burden | 2.08 |
| Absence During Time of Residence | 2.09 |
| Resident Student Elsewhere | 2.09 |
| Change of Residence | 2.10 |
| Derived Residence, Special Applications | 2.10 |
| Deceased Parents | 2.10 |
| Parents of Minor Move to California | 2.11 |
| Reestablished Residence | 2.11 |
| Financial Independence | 2.11 |
| Military Personnel | 2.11 |
| General Rule | 2.11 |
| Soldiers' and Sailors' Civil Relief Act of 1940 | 2.12 |
| Home of Record and Permanent Home Address | 2.12 |
| Income Tax | 2.13 |
| Personal Property Tax | 2.13 |
| Entry into Service After Establishing California Residence But Before Having that Residence for a Full Year | 2.15 |
| Tacking | 2.15 |

Contents


| | Page |
|---|---|
| Exceptions | 2.15 |
| General | 2.15 |
| Nonresident Minors | 2.16 |
| Parent was California Domiciliary Who Left | 2.16 |
| Self-Support | 2.16 |
| Two-Year Care and Control | 2.17 |
| Nonresident Military Personnel and Their Dependents | 2.18 |
| Military Personnel | 2.18 |
| Dependent of Military Personnel | 2.19 |
| Aliens | 2.20 |
| Adults | 2.20 |
| Minors | 2.20 |
| Nonresident Employees and Their Dependents | 2.20 |
| Employees of Public Schools | 2.21 |
| Apprentices | 2.21 |
| Agricultural Employment | 2.22 |
| Students Employed by a Public Agency | 2.22 |
| Waivers | 2.23 |
| Exceptions Limited to the Minimum Time Necessary to Become a Resident | 2.23 |
| Miscellaneous | 2.23 |
| Continuous Attendance | 2.23 |
| Student Under Jurisdiction of a California Juvenile Court | 2.24 |

CHAPTER 2

RESIDENCY REGULATIONS AND REQUIREMENTS

Definitions

| General | Reference |
|---|---|
| Residency determination shall be made for each student at the time applications for admission are accepted, and whenever a student has not been in attendance for more than one semester or quarter. For apportionment purposes residency determination may be required on a course-by-course basis. (See sample "residence" questionnaire, Addendum A.) | ECS 68040<br>ECS 68044<br>T5 54000 |
| **Residence** | |
| That location with which a person is considered to have the most settled and permanent connection; it is also that place where that person intends to remain, and, during absences, intends to return. Residence results from the union of physical presence with objective evidence that the intent is to remain at that place for an indefinite period of time. | ECS 68062<br>T5 54020 |
| **Student** | |
| For purposes of residence determination only, a person enrolled in or applying for admission to a community college. | ECS 68015 |
| **Resident** | |
| A student who has residence, pursuant to Article 5 (commencing with Section 68060) Chapter 1, Part 41 of Division 5 of the Education Code, in the state for more than one year immediately preceding the residence determination date. | ECS 68017 |
| **Nonresident** | |
| A student who does not have residence in the state for more than one year immediately preceding the residence determination date. | ECS 68018 |
| **District Resident** | |
| A student who has residence pursuant to Article 5 (commencing with Section 68060) of Chapter 1, Part 41 of Division 5 of Education Code, within a district in the state. | ECS 68019 |

| Nondistrict Resident | Reference |
|---|---|
| A student who does not have residence within a district in the state, or a student who, (a) within 39 months period immediately preceding the residence determination date, was graduated from a high school which is situated in territory not within a district, and (b) whose parent resides in such territory. | ECS 68020 |
| **District** | |
| A community college district maintaining one or more community colleges. | ECS 68021 |
| **Residency Determination Date** | |
| That day immediately preceding the opening day of instruction of the quarter, semester, or other session as set by the district governing board, during which the student proposes to attend a college. | ECS 68023 |
| **Physical Presence** | |
| A person capable of establishing residence in California must be physically present for one year prior to the residence determination date, excluding temporary absences for business, education or pleasure. | T5 54022 |
| **Institution** | |
| Any university or college of the California State University and Colleges, the University of California, the California Maritime Academy, or any California Community College. | ECS 68011 |
| **Parent** | |
| The father or mother with whom the minor resides; or, if both parents are deceased, his or her legal guardian. | ECS 68014 |
| **Foreign Student** | |
| For purposes of Education Code Section 76140 "citizens of a foreign country," "residents of a foreign country," and "foreign students" mean persons who are both citizens and residents of a foreign country. | ECS 76140 |

| Continuous Attendance | Reference |
|---|---|
| For residence determination purposes at a community college, means full-time enrollment for a normal academic year at such institution since the beginning of the period for which continuous attendance is claimed. Nothing in this section shall require a student to attend summer intersession or other terms beyond the normal academic year in order to render his attendance "continuous." | ECS 68016 |

Full-time

Enrollment for 12 or more semester or quarter units of credit.

Note: Certification of full-time status should be provided by the district, to any student transferring to another institution.

Standard applying to full time in summer intersession should be established by the district governing board.

General Law

Criteria

To determine a person's place of residence, reference is made to the following statutory rules: ECS 68060, ECS 68062

a. Every person has, in law, a residence.

b. Every person who is married* or 18 years of age, or older, and under no legal disability to do so, may establish residence.

c. In determining the place of residence the following rules are to be observed:

   (1) There can only be one residence.

   (2) A residence is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he returns in seasons of repose.

* A minor--married but thereafter divorced--retains the capacity to establish his or her own residence. An annulment of the marriage (a determination that in effect the marriage never took place) will require that the minor be treated like any other minor.

(3) A residence cannot be lost until another is gained. ECS 68060 ECS 68062

(4) The residence can be changed only by the union of act and intent.

(5) A man or a woman may establish his or her residence. Thus, it is possible that a woman who is married to, and living with, her husband may have a residence separate from his. In such case, many of the objective manifestations of the two may be shared, but each may have some evidence of intent that is not shared, which may indicate different residences. A women's residence shall not be derivative from that of her husband.

(6) The residence of the parent with whom an unmarried minor child maintains his place of abode is the residence of the unmarried minor child. When the minor lives with neither parent his residence is that of the parent with whom he maintained his last place of abode, provided the minor may establish his residence when both parents are deceased and a legal guardian has not been appointed.

(7) The residence of an unmarried minor who has a parent living cannot be changed by his/or her own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control, unless the student qualifies for the self-supporting exception. (See Self-Support, pages 2.16 and 2.17.)

Residence Questionnaire and Supplemental Residence Questionnaire

A student who does not answer all of the questions on the Residence Questionnaire or on the Supplemental Residence Questionnaire, if one is used, may be classified as a nonresident. (See sample "residence" questionnaire, Addendum A.) T5 54012 T5 54026

Evidence of Intent

1. Under the Education Code, the general rule is that a student must pay nonresident tuition unless the student can qualify as a resident student or meet the requirements of certain special provisions. Since the concept of residence involves subjective intent, this manual cannot anticipate every question that will arise in connection with determining whether such intent exists. T5 54020

Reference

No one factor is decisive, however, the institution may look for certain objective manifestations of subjective intent on the part of one asserting that residence status has been established, or has been maintained in spite of an absence from the state. T5 54020

a. A student who is 19 years of age or older and maintained a home in California continuously for the last two years may be presumed to have the intent to make California the permanent home unless the student has evidenced contrary intent by having engaged in any of the activities listed in item 3., below. T5 54024

b. A student who is under 19 years of age may be presumed to have intent to make California the permanent home if both the student and his parent maintained a home in California continuously for the last two years unless the student has evidenced a contrary intent by having engaged in any of the activities listed in item 3., below.

c. A student who does not meet the requirements of subsection a. or b., above, shall be required to provide evidence of intent to make California the permanent home as specified in item 2., below.

2. Among acceptable evidence of intent to make California the student's permanent home are: T5 54024

a. Ownership of residential property or continuous occupancy or letting of apartment on lease basis in California.

b. Licensing from California for professional practice.

c. Carrying on of a business or employment in California.

d. Active resident membership in service or social clubs.

e. Presence of spouse and/or dependent children in the state.

f. Continuous presence in the state except for absences which can be explained without conflicting with establishment of residence.

Reference

g. Registering to vote, and voting in California. T5 54024

h. Address on W-2 form.

i. Payment of California personal income tax. (See note regarding servicemen, pages 2.11 and 2.12.)

j. Possessing California motor vehicle plates. Payment of the 2% vehicle license fee (R & T Code Sections 10751, 10752, 10758) is not required of nonresident servicemen. Thus, payment is some indication of intent to be a California resident.

k. Possessing California driver's license. Vehicle Code Sections 12502 and 12505 (a) require a resident to obtain a California driver's license within 10 days from date residence is established.

l. Maintaining permanent military address or home of record in California while in armed forces.

m. Maintaining active savings and checking accounts in California banks.

n. Obtaining a divorce, as a resident of California.

o. Possession of hunting or fishing license as a resident of California.

3. Conduct inconsistent with a claim for California residence includes but is not limited to: T5 54024

a. Maintaining voter registration and voting in another state.

b. Being a petitioner for a divorce in another state.

c. Attending an out-of-state institution as a resident of that other state.

d. Declaring nonresidence for state income tax purposes.

Burden

The burden is on the student to demonstrate clearly both physical presence in California and intent to establish California residence. T5 54026

| Absence During Time of Residence | Reference |
|---|---|
| 1. A student who is attempting to establish one year of residence in the State of California but who returns to his former residence or to the home of his parents in another state or country for periods when the institution is not in session, should be subject to question as to whether he has the necessary intent to establish residence in California. Absences by the student from the state during this period or if the student is a minor, of the person from whom the student's residence is derived, for reasons of business or vacation may not necessarily indicate lack of intent to establish or maintain residence. | ECS 76143<br>T5 54022<br>T5 54024 |
| 2. For purposes of the nonresident tuition fee, a community college district shall disregard the time during which a student living in the district resided outside the state, if: | |
| a. The change of residence to a place outside the state was due to a job transfer and was made at the request of the employer of the student or the employer of the student's spouse or, in the case of a student who resided with, and was a dependent of, the student's parents, the change of residence was made at the request of an employer of either of the student's parents. | ECS 76143<br>T5 54022 |
| and | |
| b. Such absence from the state was for a period of not more than four years. | |
| and | |
| c. At the time of application for admission to a college maintained by the district, the student would qualify as a resident if the period of the student's absence from the state was disregarded. | |
| 3. A nonresident tuition fee shall not be charged to a student who meets each of the conditions specified in subdivisions a. to c., inclusive. | ECS 76143 |

Resident Student Elsewhere

Classification of a student as a resident for tuition purposes by an out-of-state university or college generally establishes him as a nonresident of this — ECS 76143, T5 54024

| | Reference |
|---|---|
| state as of that time. Normally, he will have to establish California residence and hold it for a year until he is entitled to similar classification in California. However, it is conceivable that his classification in the other state was the result of an exception similar to the exceptions provided in the California statute. If the student can show this, the pertinence of such classification would be obviated. Of course, the student would still have to affirmatively establish that he is a resident of this state. | ECS 76143<br>T5 54024 |

Change of Residence

| | |
|---|---|
| Any student who is classified as a resident, but who becomes a nonresident at any time by virtue of a change of residence, by his own action or by the person from whom his residence is derived, is obliged to notify the classifying institution at once. | ECS 76143 |

Derived Residence, Special Applications

| | |
|---|---|
| Because of the language of Education Code Section 68062(f) which gives to a minor the residence of the parent, the following rules apply: | ECS 68062(f) |
| a. Where the residence of the student is derived, the California residence of the person or persons from whom it is derived must satisfy the one year waiting period requirement. | ECS 68017 |
| b. A minor adopted by a California resident who has been a resident for one year immediately prior to the residence determination date, immediately takes that resident status. No waiting period applies. | |
| c. A minor child of permanently separated parents takes the resident status of the parent with whom he lives, without any waiting period applying. If the minor lives alone, he takes the resident status of the parent with whom he last lived. | ECS 68062 |

Deceased Parents

| | |
|---|---|
| 1. When both parents are deceased, and no legal guardian has been appointed, a minor may establish his or her own residence. Until the minor does so, his or her residence remains that of the last parent to die. If the residence the minor establishes is California, the one year waiting period runs from the date of establishment. If the residence of the last parent to die was California, the minor's derived residence may be tacked to the newly established residence. | ECS 68062 |

Reference

2. If a guardian is appointed for a minor any time after the death of the minor's parents, the minor takes the residence of the guardian. If that be California, the one year waiting period runs from the date of appointment, subject to applicable tacking. (See Tacking, page 2.15.)

Parents of Minor Move to California

If the parents of a minor move to California leaving the minor behind, the minor takes the parent's California resident status when acquired. If the minor remains outside California after reaching the age of majority and then comes to California, the minor is to be treated the same as a person possessing California residence who had left the state and then returned. The minor should be screened with the objective of determining if he had acquired out-of-state residence. One factor to be checked in such a screening would be whether the minor had attended an out-of-state educational institution where resident status for tuition purposes had been granted or denied. ECS 68061 ECS 68062

Reestablished Residence

If a student or the parents of a minor student relinquish California residence after moving from the state, one full year of physical presence, coupled with one full year of demonstrated intent to be a California resident, is required to reestablish residence. T5 54030

Financial Independence

1. A student seeking reclassification as a resident, who was classified as a nonresident in the preceding term, shall be determined financially independent or dependent in accordance with Education Code Section 68044. ECS 68044 T5 54020 T5 54032

2. A student who has established financial independence may be reclassified as a resident if the student has met requirement that there be a union of act and intent as defined in Title 5, Section 54020. (See Addendum C.)

Military Personnel

1. General Rule

Presence in the state under military orders of a student or of the parent of a minor student does not, of itself, entitle the student to resident status. In fact, only clear and unambiguous evidence of an intention to abandon the old domicile and adopt a new residence will ECS 68074 ECS 68075 T5 54041 T5 54042

Reference

ECS 68075

suffice for a person in the armed forces of the United States who comes to a jurisdiction in obedience to orders. (245 C. A.2d 40) Therefore, such a student is normally classified as a nonresident. However, if the transfer of the service-person to California was pursuant to his or her request, and this can be satisfactorily documented, the request is evidence of that person's intent to become a resident. (If a military person is not classified as a resident, an exception may apply, i.e., the one-year period for members of the military. (See Section 2, below.)

2. Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. Sections 501-548, 560-590)

Exceptions to the presumption just mentioned can occur, but the student must produce evidence to rebut it. Such evidence may include, in addition to the objective manifestations asked of other students changing the home of record in military records, changing the permanent home address in military records, not taking advantage of the exemption from payment of California income tax and/or personal property taxes contained in the Soldiers' and Sailors' Civil Relief Act of 1940.

a. Home of Record and Permanent Home Address. A military "home of record" is a historical fact. It is the place recorded on official military documents as the:

(1) Serviceman's home upon his being commissioned, reinstated, appointed, reappointed, enlisted, reenlisted, inducted, or ordered into active duty.

(2) It may be changed only at the time one of the above events occurs, although it is subject to correction at any time for bona fide error.

(a) Air Force: Joint Travel Regulations Chap. 205, Subdivision M 1150, Section 3 (2/1/70)

(b) Army: Joint Travel Regulations M 1150, Section 3a (8/1/68)

(c) Navy: Bureau of Navy Personnel Manual Section 301040, Subdivs. 2b, 5a, and 5b

Reference

(3) A change in home of record to California is persuasive evidence of an intent to become a California resident. ECS 68075

Similarly, the occurrence of one of the events above listed without such change to California being made by a nonresident is persuasive evidence that a nonresident does not intend domicile in California.

(4) Less persuasive, but still evidence to be considered, is a listing of California as a "permanent home address" in military records. This can be done during the interim between occurrences of the above listed events. However, once one of those events occurs, failure to change the home of record eliminates the "permanent home address" as an item of proof of intent to be considered. In fact, as just noted, such failure is persuasive evidence of a lack of intent to establish California as the state of residence.

b. Income Tax

(1) Personal income from military service is exempt from state income tax levied by a state of which a serviceman is not a resident [50 U.S.C. App. Section 574 (Soldiers' and Sailors' Civil Relief Act of 1940), L70-12641]. Thus, if a serviceman pays income tax on his military income to the State of California, such payment would tend to indicate he considered himself a resident of California at the time the payment was made.

(2) Credit is allowed against California income tax for taxes paid to other states (Rev. and Tax Code Section 17067) by one temporarily out of the state, as for example, a California resident in military service stationed in another state.

c. Personal Property Tax. Payment of personal property tax is required of all persons having personal property in the State of California on the assessment date, with the exception of nonresident military personnel. The latter are given immunity to personal property tax by 50 U.S.C. App. Section 574 (Soldiers' and Sailores' Civil Relief Act of 1940, See L69-358). That Act, in pertinent part, provides:

Reference

ECS 68075

"(1) For the purposes of taxation in respect of any person, or of his personal property, income, or gross income, by any State, Territory, possession, or political subdivision of any of the foregoing, or by the District of Columbia, such person shall not be deemed to have lost a residence or domicile in any State, Territory, possession, or political subdivision of any of the foregoing, or in the District of Columbia, solely by reason of being absent therefrom in compliance with military or naval orders, or to have acquired a residence or domicile in, or to have become resident in or a resident of, any other State, Territory, possession, or political subdivision of any of the foregoing, or the District of Columbia, while, and solely by reason of being, so absent. For the purposes of taxation in respect of the personal property, income or gross income of any such person by any State, Territory, possession, or political subdivision of any of the foregoing, or the District of Columbia, of which such person is not a resident or in which he is not domiciled, compensation for military or naval service shall not be deemed income for services performed within, or from sources within, such State, Territory, possession, political subdivision, or District of Columbia, and personal property shall not be deemed to be located or present in or to have a situs for taxation in such State, Territory, possession, or political subdivision, or District of Columbia. Where the owner of personal property is absent from his residence or domicile solely by reason of compliance with military or naval orders, this section applies with respect to personal property, or the use thereof, within any tax jurisdiction other than such place of residence or domicile, regardless of where the owner may be serving in compliance with such orders: Provided, that nothing contained in this section shall prevent taxation by any State, Territory, possession, or political subdivision of any of the foregoing, or the District of Columbia in respect of personal property used in or arising from a trade or business, if it otherwise has jurisdiction...." (Emphasis added).

Reference

3. Entry into Service After Establishing California Residence But Before Having That Residence For A Full Year — ECS 68072

A person who moves to California with the intention of establishing residence here, and who enters the military service before a year has elapsed, may still be classified as a California resident if he has, at the residence determination date, otherwise met the durational requirement, and has not in the interim, established residency elsewhere. In other words, if he arrived in California with intent to establish residence in this state, subsequent absences will not preclude the residence-for-a-year from being realized, if he did not establish residence elsewhere during the absence.

Tacking

1. The term "tacking" refers to the process of adding one period of resident student qualification to another so as to satisfy the one year waiting period requirement.

2. Tacking is utilized in the following cases:

   a. Adding the immediate pre-majority derived California residence to the post-majority residence to satisfy the durational requirement.

   b. Shifting derivative residence, as when the derivation shifts from a father, who dies, to the mother.

   c. Shift in residence of a minor from deceased parents to a legal guardian, or none appointed, to minor's own elected residence.

Exceptions

General

A resident student is a person who has had residence in California for more than one year immediately preceding the residence determination date announced by the Trustees of the Community College District. However, in some instances, a student may obtain resident classification (for a prescribed period) even though a year has not passed since the student arrived in California. — ECS 68017, ECS 68060, ECS 68062

Nonresident Minors — Reference

1. Parent was California Domiciliary Who Left. A student who remains in this state after his parent, who was theretofore domiciled in California for at least one year immediately prior to leaving and has, during the student's minority and within one year immediately prior to the residency determination date, established residence elsewhere, shall be entitled to resident classification until the student has attained the age of majority and has resided in the state the minimum time necessary to become a resident, so long as, once enrolled, the student maintains continuous full-time attendance at an institution. — ECS 68070

   Requires:

   a. Parent must have been domiciled in California for at least one year prior to leaving, as determined by Government Code Section 243 and 244, and,

   b. Parent must have left California to establish domicile elsewhere within one year of resident determination date and,

   c. Student once enrolled maintains continuous full-time attendance at an institution.

   d. Student is under age nineteen and in process of becoming a resident as defined in Chapter 1.

2. Self-Support.

   1. A student who has been entirely self-supporting and actually present in California for more than one year immediately preceding the residence determination date, with the intention of acquiring a residence therein, shall be entitled to resident classification until he has resided in the state the minimum time necessary to become a resident. — ECS 68071, T5 54040

      Requires:

      a. Student must be under 19 on residence determination date.

      b. Student must be entirely self-supporting.

   2. A student claiming application of the self-supporting exception must provide evidence to the admissions officer such as: — T5 54040

Reference

a. Documentation, including W-2 forms or a letter from employer, showing earnings for the year immediately preceding residence determination date of attendance, T5 54040

b. A statement that the student was actually present for said year (short absences from the state for business or pleasure will not preclude the accumulation of time), and

c. A statement showing all expenses of the student for said year.

(1) A loan made by a bank to the parent who turns over the proceeds to the minor negates self-support.

(2) A loan made by a bank to the student without the parent co-signing or endorsing the student's note indicates self-support. Co-signing or endorsement by parent negates self-support, since student is then being supported by parent's credit.

(3) A loan made by parent to the student negates self-support.

d. If requirements (1) and (2) are met, the student is treated as having the capacity to establish his own residence so would be screened just as would an adult.

3. Minor Dependents of Military Personnel. See Nonresident Military Personnel and Their Dependents, page 2.18.

4. Minor Alien. See Nonresident Aliens, page 2.20.

5. Continuing Exception Under Prior Law. (See Exceptions Limited to the Minimum Time Necessary to Become a Resident, page 2.23.)

6. Two Year Care and Control. A student shall be entitled to resident classification if, immediately prior to enrolling at an institution, he or she has lived with and been under the continuous direct care and control of any adult or adults, other than a parent, for a period of not less than two years, provided that the adult or adults having such control have been domiciled in California during the year immediately prior to the residence determination date. This exception shall ECS 68073 T5 54047

Reference

continue until the student has attained the age of majority and has resided in the state the minimum time necessary to become a resident, so long as continuous full-time attendance is maintained at an institution. — ECS 68074, T5 54041

Requires:

a. The student has lived under the direct care and control of an adult, other than a parent for two years immediately preceding the residence determination date,

b. Such adult has, for the year immediately preceding the residence determination date, had California residence.

c. Full-time enrollment by the student.

7. Child of Employee. See Nonresident Employees, page 2.20.

8. Agricultural. See Agricultural Employment, page 2.22.

Nonresident Military Personnel and Their Dependents

1. Military Personnel. A student who is a member of the armed forces of the United States stationed in this state on active duty, except a member of the armed forces assigned for educational purposes to state-supported institutions of higher education, shall be entitled to resident classification until the student has resided in the state the minimum time necessary to become a resident. — ECS 68075, T5 54042

Requires:

a. The student must be on active duty on residence determination date (classifiers should be alert for the "early out" situation where the student is entitled to this exception at time of application, but will be separated from military service just before residence determination date so that he or she can commence attendance at beginning of term), and

b. Student must be stationed in California on residence determination date, and

c. Purpose of student's assignment to California is not to attend the institution, and

Reference

d. Student must not have been stationed in California more than one year prior to residence determination date. — ECS 68075 T5 54042

e. This exemption does not require any intent on the part of the military member to be a resident of California. If, however, after the one year has elapsed, the student does not otherwise satisfy the durational requirement of California residence, he or she is not entitled to resident classification until he or she has satisfied the intent requirements for the one-year period.

2. Dependent of Military Personnel. A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in the state on active duty shall be entitled to resident classification until he or she has resided in the state the minimum time necessary to become a resident. — ECS 68074 T5 54041

Should that member of the armed forces of the United States whose dependent natural or adopted child, stepchild, or spouse is in attendance at an institution, be thereafter transferred on military orders to a place outside the continental United States where the member continues to serve in the armed forces of the United States, the student dependent shall not lose his resident classification to become a resident.

Requires:

a. Student must be spouse or natural or adopted child or stepchild or armed forces member stationed in California or military person outside of California on active duty on residence determination date; or that the military person has, after the residence determination date, retired as an active member of the armed forces.

b. Student must be a dependent for income tax purposes of that member of armed forces, and

c. Student must not have lived in California for more than one year since arriving or since attaining age 18, whichever came later.

3. Continuing Exception Under Prior Law. (See Exceptions Limited to the Minimum Time Necessary to Become a Resident, page 2.23.)

Aliens — Reference

1. Adults. A student who is an adult alien shall be entitled to resident classification if he has been lawfully admitted to the United States for permanent residence in accordance with all applicable laws of the United States; provided, that the student has had residence in the state for more than one year after such admission prior to the residence determination date for the semester, quarter or other session for which attendance at an institution is proposed. (See Addendum B.) — ECS 68076, T5 54022, T5 54024, T5 54043

2. Minors. A student who is a minor alien shall be entitled to resident classification if both he and his parent have been lawfully admitted to the United States for permanent residence in accordance with all applicable laws of the United States; provided, that the parent has had residence in the state for more than one year after such admission prior to the residence determination date for the semester, quarter or term for which the student proposes to attend an institution. (See Addendum B.)

Nonresident Employees And Their Dependents

1. A resident who is a full-time employee of an institution or a student who is a child or spouse of a full-time employee of an institution may be entitled to resident classification until he has resided in the state the minimum time necessary to become a resident. — ECS 68079, T5 54082

   Requires:

   a. Student must be a full-time employee of a California Community College, or

   b. The parent or spouse of the student must be such an employee, and

   c. The student must not have lived in California for more than one year since arriving or since attaining age 18, whichever came later.

   See Exceptions Limited to the Minimum Time Necessary to Become a Resident, page 2.23, for period during which this exception is applicable.

2. Continuing Exception Under Prior Law. (See Exceptions Limited to the Minimum Time Necessary to Become a Resident, page 2.23.) — Reference

Employees of Public Schools

1. A student holding a valid credential authorizing service in the public schools of this state who is employed by a school district in a full-time position requiring certification qualifications for the college year in which the student enrolls in an institution shall be entitled to resident classification if such student meets any of the following requirements: — ECS 68078 T5 54046

   a. Holding of a provisional credential and enrollment at an institution in courses necessary to obtain another type of credential authorizing service in the public schools.

   b. Holding a credential issued pursuant to Section 44250 and enrollment at an institution in courses necessary to fulfill the credential requirements.

   c. Enrollment at an institution in courses necessary to fulfill the requirements for a fifth year of education prescribed by subdivision (b) of Section 44259.

   Requires:

   (1) Compliance with a, or b, or c, and

   (2) Student must hold a valid credential authorizing service in California public schools, and

   (3) Student must be employed full time by a public school during the year he will attend, and

   (4) The position must require certification qualifications.

2. Continuing Exception for Public School Employees. See Exceptions Limited to the Minimum Time Necessary to Become a Resident, page 2.23.)

Apprentices

A student claiming resident status as an apprentice shall provide evidence such as a card or certification from the Joint Apprenticeship Committee or the student's employer, evidencing such apprenticeship status. — LCS 3074-3077

Reference

Requires:

A student at least 16 years of age who has entered into a written agreement called an "apprentice agreement," with an employer or his agent, an association of employers, or an organization of employees, or a joint committee representing both and which meets the requirements of Labor Code Section 3077. — LCS 3074-3077

Agricultural Employment

1. A district may classify a student as a district resident if he lives with a parent who earns a livelihood primarily by performing agricultural labor for hire in California and other states and the parent has performed such labor in this state for at least two months per year in each of the two preceding years, the parent lives within the district which maintains the community college attended by the student, and the parent claims the student as a dependent on his state or federal personal income tax returns if he has sufficient income to have a personal income tax liability. — ECS 68100, T5 54048

2. A district may also classify a student as a district resident if he earns a livelihood primarily by performing agricultural labor for hire in California and other states and he has performed such labor in this state for at least two months per year in each of the two preceding years.

   Requires:

   a. Student living with parent who earns his livelihood primarily in agricultural labor and has performed such labor in California for at least two months each of the last two years, and resides in the district and if the parent files state and/or federal income tax returns, the student must have been included as a dependent.

   b. Requires student earning his livelihood primarily in agricultural labor for hire and have done so in California at least two months per year for the last two years.

Students Employed by a Public Agency

1. A student who is a peace officer employed by a "public agency" may be classified as a resident for purposes of enrollment in and completion of police academy training. — PCS 832.3

Reference

2. "Public agency" as defined by this section means the state or any city, county, district, or other local authority or public body of or within the state.

Waivers

1. The district may, by Board action, authorize an exemption from nonresident tuition, in whole or in part, for — ECS 76140

   a. Foreign students (citizens and residents of foreign countries) attending a California Community College, provided that the nonresident has demonstrated a financial need for the exemption and not more than 10% of the nonresident foreign students are so exempted. Exemptions may be made on an individual basis.

   b. All students taking 6 units or less.

Exceptions Limited to the Minimum Time Necessary to Become a Resident

1. The time necessary to become a resident for tuition purposes is one year and one day. Those exceptions where duration is "the minimum time necessary to become a resident" should be granted only for the period of time a student needs to otherwise establish the one year. — ECS 68070, ECS 68074, ECS 68075, ECS 68078, ECS 68079

2. Thus a student otherwise entitled to an exception whose term is "for the minimum time necessary to become a resident," who arrives in California on January 1, 1983 and enrolls in the Fall term, should be granted the resident classification under the exception only until January 1, 1984. For minors, the exception runs from the date the student becomes 18 years of age. — T5 54050

Miscellaneous

Continuous Attendance

The student whose resident classification is predicated upon one of the exceptions requiring "continuous attendance" must be reclassified as a "nonresident" for the following term if he drops below the minimum units for full time enrollment and he is not otherwise entitled to resident classification. — ECS 68016

Reference

## Students Under Jurisdiction of a California Juvenile Court

1. Minor students, under placement by order of a juvenile court, in a foster home or with adults other than their natural parents are subject to the normal rules of residence for minors. If, however, the order of the court goes to a determination of parental rights -- a determination that the parent is no longer entitled to the rights as a parent -- then the facts should be reviewed for indicia of emancipation, self support, or perhaps the two year care and control exception. — ECS 68073, T5 54047

2. The review of any court order should be done in consultation with the district's legal counsel -- if rules other than the normal reference to the natural parent are to be employed.

# CHAPTER 3. AVERAGE DAILY ATTENDANCE ACCOUNTING

## Contents


| | Page |
|---|---|
| Reporting Periods | 3.02 |
| General | 3.02 |
| Reporting Dates for State Apportionment Reports | 3.02 |
| Census Procedure Courses | 3.02 |
| Actual Hours of Attendance Courses | 3.02 |
| Attendance | 3.03 |
| General | 3.03 |
| "TBA" (Hours to be arranged) | 3.04 |
| Reporting Categories | 3.04 |
| Classification for Reporting of Hours of Attendance Required by Form CCFS-320 | 3.05 |
| State Resident for Apportionment Purposes | 3.05 |
| Nonresident | 3.06 |
| Day Courses | 3.06 |
| Extended Day Courses | 3.06 |
| Class Hour | 3.06 |
| Clock Hour | 3.06 |
| Passing Time/Break | 3.06 |
| Partial Class Hour | 3.07 |
| Multiple Class Hour | 3.07 |
| Calculation of Weekly Student Contact Hours | 3.07 |
| Computation of Average Daily Attendance | 3.09 |
| General | 3.09 |
| Fractional Units | 3.09 |
| Census Procedure | 3.09 |
| Independent Study/Work Experience | 3.09 |
| Actual Hours of Attendance (Positive Attendance) | 3.09 |
| Application of Attendance Procedures | 3.09 |
| ADA Annualizer | 3.09 |
| Weekly Student Contact Hour Procedure | 3.10 |
| Term Length Multiplier | 3.10 |
| Daily Student Contact Hour Procedure | 3.11 |
| Independent Study and Work Experience Courses | 3.13 |
| Actual Hours of Attendance Procedure | 3.13 |
| Short Credit Courses | 3.14 |
| Irregularly Scheduled Credit Courses | 3.14 |
| Open Entry/Open Exit Courses | 3.14 |
| In-Service Training Courses | 3.14 |
| Noncredit Courses | 3.14 |
| Apprenticeship Classes of Related and Supplemental Instruction | 3.14 |

# CHAPTER 3

# AVERAGE DAILY ATTENDANCE ACCOUNTING

## Reporting Periods

| General | Reference |
|---|---|
| Average daily attendance (ADA) shall be reported on forms prepared by the Chancellor's Office at such times as required by law or regulation. | ECS 84801<br>CCFS-320 |

Reporting Dates for State Apportionment Reports (CCFS-320 and CCFS-321)

1. The "first period" reports encompass data for July 1 through December 31 and are due in the Chancellor's Office on or before January 15. — ECS 84801

2. The second period reports encompass data for July 1 through April 15 and are due in the Chancellor's Office on or before April 30.

3. The "annual" reports encompass data for July 1 through June 30 and are due in the Chancellor's Office on or before July 15.

## Reporting Date Procedures

Census Procedure Courses

For census courses average daily attendance is to be reported in the period in which the census accounting procedure is completed, even if the course is not completed by the deadline for reporting or overlaps fiscal years. — T5 58010

Actual Hours of Attendance Courses

For courses for which actual student contact hours of attendance procedure is used, the average daily attendance is to be reported in the period in which the course is completed, even if the course overlaps fiscal years. — T5 58010

General — Reference

1. Only the attendance of persons who have been admitted to the college and are enrolled in one or more approved courses may be counted for apportionment purposes. — ECS 76300

2. As a general rule, ADA cannot be allowed for a student's attendance in two or more courses which meet at the same or overlapping time. — Admin.

   It must be recognized, however, that under current conditions which may force districts to reduce the number of courses and/or course sections scheduled, without an occasional overlap in schedule students could be denied the opportunity to complete their studies in a reasonable period of time. In order to accommodate this possibility two alternatives are suggested that would allow the claiming of ADA:

   a. The college should arrange for the student to take one of the courses as independent study (assuming the course meets the requirements for and has been approved by the Chancellor's Office as an independent study course); or

   b. The college may permit the overlapping schedule if (a) rational justification (scheduling convenience is not one.) on a student-by-student basis can be established and can be documented by the college and (b) the college maintains documentation that each student made up the hours of overlap in the course partially or wholly not attended as scheduled at some other time during the same week under appropriate supervision.

      Such procedures must be a part of the attendance accounting procedures adopted by the district governing board as required by Title 5, Section 58030.

   The issue of overlapping enrollment will continue to be of interest to the Chancellor's Office and the Department of Finance auditors who have cited recently at least one district for this practice contrary to the standard established in the prior edition of this manual. In the future, any audit finding of unsubstantiated overlap will result in the overlap time of one or the other course to be deducted.

| | | Reference |
|---|---|---|
| 3. | Attendance is computed on the basis of regularly scheduled class hours as published in the class schedule or addenda. For courses (other than independent study and work experience courses) in which some or all of the class hours are "to be arranged (TBA)*" documentation is required to substantiate that students are under the immediate supervision and control of the appropriate certificated employee of the district. Students shall be informed on a timely basis of their individual TBA schedule and their responsibility to adhere to the schedule. | Admin. |
| 4. | For courses for which attendance is computed pursuant to Education Code Section 84520 (b) and (c) (census procedure), contact hours of enrollment shall not be counted for a student who is a "drop," "no-show," or a "withdrawal" at the cutoff point for each census day (not later than the end of business of the last college day immediately preceding the census day). Each college must establish an official procedure for insuring that data computed for any census day includes only students who are actively enrolled as of that date. | ECS 84520<br>T5 58004(c) |

Reporting Categories

Contact hours of the following nondiscrete categories of students must be reported separately for apportionment or other purposes:

| | | |
|---|---|---|
| a. | Students who are state residents. | ECS 68017<br>CCFS-320 |
| b. | Students not residents of California. | |
| c. | Students enrolled in credit courses. | |
| d. | Students enrolled in mandated noncredit courses. | ECS 84641(a) |
| e. | Students enrolled in all in-service training courses in the areas of police, fire, corrections, and other criminal justice system occupations. | ECS 84500(e) |

* "To be arranged" (TBA) contact hours in credit courses which meet coterminously with the primary term (WSCH procedure) shall be scheduled the same number of hours each week of the term. In courses using daily census procedure (DSCH procedure), TBA contact hours shall be scheduled for the same number of hours as for each scheduled day of the course or as a portion of the hours the course is regularly scheduled for each day it meets. Otherwise, attendance for the course must be on a positive attendance basis.

| | | Reference |
|---|---|---|
| f. | Students enrolled in intersessions. | ECS 84801(c) |
| g. | Students enrolled in approved courses of independent study. | ECS 84520(f) |
| h. | Students enrolled in work experience courses. | ECS 84520(f) |
| i. | Students enrolled in day courses, generally defined as beginning prior to 1630 hours. | CCFS 320 |
| j. | Students enrolled in extended day courses, generally defined as beginning at or after 1630 hours. | CCFS 320 |

## Classification for Reporting of Hours of Attendance Required by Form CCFS-320

### State Resident for Apportionment Purposes

1. A student who has had residence in California for more than one year immediately preceding the "residency determination date." The following exceptions may in some instances require the determination of classification on a course-by-course basis.

| | | |
|---|---|---|
| a. | Students under the jurisdiction of the Department of Youth Authority. | ECS 84531 |
| b. | Students admitted to United States and enrolled in English and citizenship for foreigners. | ECS 84521.5 |
| c. | Refugee students admitted to United States and enrolled in any class in vocational education or English as a second language and enrolled for six or fewer units. | ECS 84521.6 |
| d. | Any adult enrolled in the following noncredit classes: | ECS 78462(a)<br>ECS 84641(a) |

(1) A class in English and citizenship for foreigners.

(2) A class in an elementary subject.

(3) A class for which high school credit is granted to a person who does not hold a high school diploma.

(4) Any class offered pursuant to ECS 8531 through 8534, inclusive.

| | Reference |
|---|---|
| 2. Broadly defined, a "state resident" is a student who has a legal residence in the State of California. (See Chapter 2 for complete information.) | ECS 68017 |
| 3. See Chapter 5 for exception for apprentice students in apprenticeship classes of related and supplemental instruction. | |
| **Nonresident** | |
| A student who does not have legal residence in the state at the time of the residency determination date. (See Chapter 2 for further clarification.) | ECS 68018 |
| **Day Courses** | |
| Courses scheduled to begin prior to 1630 hours. | Admin. |
| **Extended Day Courses** | |
| Courses scheduled to begin at or later than 1630 hours. | Admin. |
| **Class Hour** | |
| The "class hour" is the basic unit of attendance for computing average daily attendance. It is a period of not less than 50 minutes of scheduled instruction and/or evaluation. There can be only one "class hour" in each "clock hour," except as provided for multiple class-hour classes. A class scheduled for less than a single 50-minute period is not eligible for apportionment. For purposes of computing average daily attendance, a class hour is commonly referred to as a "contact hour" or "Student Contact Hour" (SCH). (See Chapter 5 for special application of 50-minute hour in apprenticeship classes related and supplemental instruction.) | ECS 84527<br>ECS 81803 |
| **Clock Hour** | |
| A "clock hour" is a 60-minute time frame which may begin at any time, for example, 0800 to 0900, 0810 to 0910, 0820 to 0920. | |
| **Passing Time/Break** | |
| Each clock hour is composed of one class hour segment and a segment referred to as "passing time," "break," etc. No additional attendance may be claimed for this 10-minute segment, except as provided for under "multiple class hours." | ECS 84527 |

Partial Class Hour — Reference

A "partal class hour" is that fractional part of a class hour in a class scheduled for more than one clock hour. — ECS 84527

Multiple Hour Class

1. Any period of instruction scheduled continuously for more than one clock hour. — ECS 84527

2. In block scheduling each 50 minutes exclusive of breaks (formal or informal) is a class/contact hour; however, the sum of class hours cannot exceed the sum of single-period classes offered for an equivalent amount of credit or other recognition. — ECS 84527

Calculation of Weekly Student Contact Hours

1. One full class hour course:

| | |
|---|---|
| *MWF 0800-0850 (excludes passing time) | =3.0 WSCH |
| *MWF 0810-0900 (excludes passing time) | =3.0 WSCH |
| *MWF 0800-0900 (includes passing time) | =3.0 WSCH |

*Computation:

| | |
|---|---|
| 0800 to 0850 = 50 min. = 1 class hour in 1 clock hour = 1.0 WSCH x 3 days | =3.0 WSCH |
| 0810 to 0900 = 50 min. = 1 class hour in 1 clock hour = 1.0 WSCH x 3 days | =3.0 WSCH |
| 0800 to 0900 = 1 clock hour = 1.0 WSCH x 3 days | =3.0 WSCH |

2. One-plus class hour course:

| | |
|---|---|
| *TT 0800-0915 (excludes break time) | =3.0 WSCH |
| TT 0810-0925 (excludes break time) | =3.0 WSCH |
| TT 0800-0925 (includes break time) | =3.0 WSCH |

*Computation:

| | |
|---|---|
| 0800 to 0850 =50 min. = 1 class hour | =1.0 WSCH |
| 0850 to 0915 = 25 min. : 50 = 0.5 class hours | =0.5 WSCH |
| | 1.5 WSCH x 2 days = 3.0 WSCH |

3. Two full class hours course:

| | |
|---|---|
| *TT 0800-0950 (excludes passing time at end of class, includes one 10-minute break) | =4.0 WSCH |
| TT 0810-1000 (excludes passing time at start of class, includes one 10-minute break) | =4.0 WSCH |
| TT 0800-1000 (includes passing time, includes one 10-minute break | =4.0 WSCH |

Reference

*Computation:

0800 to 0900 = 1 clock hour =1.0 WSCH
0900 to 0950 = 50 min. = 1 class hour =1.0 WSCH
2.0 WSCH x 2 days =4.0 WSCH

4. Two-plus class hours course: ECS 84527

*TT 0800-1015 (excludes passing time at end of class, includes one 10-minute break) =5.0 WSCH
TT 0810 to 1025 (excludes passing time at start of class, includes one 10-minute break) =5.0 WSCH
TT 0800 to 1025 (includes passing time, includes one 10-minute break) =5.0 WSCH

*Computation:

0800 to 0900 = 1 clock hour =1.0 WSCH
0900 to 0950 = 1 class hour =1.0 WSCH
0950 to 1015 = 25 min. : 50 =0.5 WSCH
2.5 WSCH x 2 days =5.0 WSCH

5. Three full class hours course:

*TT 0900-1150 (excludes passing time at end of class, includes two 10-minute breaks) =6.0 WSCH
TT 0910-1200 (excludes passing time at start of class, includes two 10-minute breaks) =6.0 WSCH

*Computation:

0900 to 1000 = 1 clock hour =1.0 WSCH
1000 to 1100 = 1 clock hour =1.0 WSCH
1100 to 1150 = 1 class hour =1.0 WSCH
3.0 WSCH x 2 days = 6.0 WSCH

## Computation of Average Daily Attendance

| General | Reference |
|---|---|
| 1. Average daily attendance shall be computed and rounded to two decimal places. When the computation results in a fraction of less than one-half unit, the ADA shall be taken as the next lowest number, except that if the computation results in an ADA of less than one unit, the ADA shall be deemed to be one unit; but if the fraction is one-half or more of a unit, the ADA shall be taken as the next highest whole number. | ECS 84502 |
| 2. Procedure employed to compute ADA for apportionment purposes is determined by the type of course, the way it is scheduled and its length. These are: | ECS 84520<br>T5 58003 |
| a. Census Procedure | |
| (1) Weekly student contact hour | |
| (2) Daily student contact hour | |
| b. Independent study/work experience | T5 58009 |
| c. Actual hours of attendance (positive attendance) | |
| Districts have the option of computing ADA by actual hours of attendance procedure for any credit course, except for independent study and work experience. The attendance accounting procedure must be applied consistently for any course section. | ECS 84520(g)<br>T5 58006 |

## Application of Attendance Procedures

### ADA Annualizer

An ADA annualizer has been added to the ADA formula because statute specifically requires the use of 525 as the divisor. The ADA annualizer is a function of the length of the academic year and the proportion of that year completed during each reporting period in terms of scheduled faculty contact hours of instruction and evaluation. A separate annualizer must be computed by the district for each attendance accounting procedure below for each reporting period. The annual annualizer is, of course, 1.0 and need not be computed. (See form CCFS-320.)

| Weekly Student Contact Hour Procedure | Reference |
|---|---|
| 1. Weekly student contact hour procedures may be applied to any credit course (except independent study and work experience) scheduled regularly with respect to the number of days of the week and the number of hours the course meets on each scheduled day and scheduled coterminously with the primary term.* | CCFS-320<br>ECS 84520(b)<br>T5 58004 |
| 2. "Weekly student contact hours" (WSCH) shall mean the number of class hours each course is regularly scheduled to meet during a week, inclusive of holidays, multiplied by the number of students actively enrolled in the course. | T5 58003 |
| 3. A term length multiplier shall be determined for each primary term by counting each week in which at least three days of instruction and/or examination in term length courses are scheduled. Maximum term length multipliers are 17.5 and 11.67 for semester and quarter length terms, respectively. The minimum value for a term length multiplier is 10. | ECS 84520<br>T5 58004 |
| a. As a general rule the value of a term length multiplier is equal to the length (number of weeks) of the corresponding primary term, subject to the stated limits. The only exception to this rule is in the instance of two (semesters) or three (quarters) "non-flexible calendar" terms of nearly equal length and totaling 35 weeks. If the two terms are scheduled for 18 and 17 weeks (or vice versa), then the term length multiplier applied to each term would be 17.5. For three terms scheduled for 12, 12, and 11 weeks (or any combination thereof) the term length multiplier for each term would be 11.67 (Administratively, we plan to use four decimal places unrounded). | |
| b. The exception in a. above does not apply to any other calendar configuration. For example, 35 weeks scheduled as one 19 week-term and one 16 week-term would result in term length multipliers of 17.5 and 16.0, respectively. | |

* This is administratively interpreted to mean any course scheduled for the same number of hours (including TBA) for each week of the primary term, other than a shortened first week (not less than three days) and final examination scheduling, and inclusive of holidays.

Reference

c. For any combination of terms totaling fewer than 35 weeks each term length multiplier is equal to the length of each corresponding term, subject to the stated lower limit.

d. Only one primary term can be operational during any given period of time. Any courses conducted during that period of time which are not coterminous with that primary term must be accounted for by use of the daily census procedure or by the positive attendance procedure.

e. Any intersession (including summer) must be on daily census procedure or positive attendance.

4. Calculation of ADA from WSCH is generally as follows:

Note: CW = Census Week WSCH
TLM = Term Length Multiplier

ECS 84520
CCFS-320

(a) First Period:

$$\frac{\left(\frac{CW_1 + CW_2}{2}\right)}{525} \times TLM_1 \times .911 \times \text{ADA Annualizer} = \text{ADA}$$

(b) Second Period:

$$\frac{\left(\frac{CW_1 + CW_2}{2}\right) \times TLM_1 + \left(\frac{CW_3 + CW_4}{2}\right) \times TLM_2}{525} \times .911 \times \text{ADA Annualizer} = \text{ADA}$$

(c) Annual:

$$\frac{\left(\frac{CW_1 + CW_2}{2}\right) \times TLM_1 + \left(\frac{CW_3 + CW_4}{2}\right) \times TLM_2 + \left(\frac{CW_5 + CW_6}{2}\right) \times TLM_3}{525} \times .911 = \text{ADA}$$

Daily Student Contact Hour Procedure

. Daily student contact hour procedure may be applied to any credit course (except independent study and work experience courses) scheduled to meet for five or more days and scheduled regularly with respect to the number of hours during each scheduled day, but not scheduled coterminously with the primary term.

ECS 84520

Reference

2. "Daily student contact hours" (DSCH) shall mean the number of class hours each course is regularly scheduled to meet on each day multiplied by the number of students actively enrolled in the course. DSCH must be multiplied by the number of days the course is scheduled to meet (CLM) before they are reported on the CCFS-320. — T5 58003

3. Calculation of ADA from DSCH is on a course-by-course basis as follows: — ECS 84520 CCFS-320

Note: CD = Census Day DSCH
CLM = Course Length Multiplier

(a) First Period:

$$\frac{\left(\frac{CD_1 + CD_2}{2}\right) \times CLM \times .911 \times \text{ADA Annualizer}}{525} = ADA$$

(b) Second Period:

$$\frac{\left(\frac{CD_1 + CD_2}{2}\right) \times CLM + \left(\frac{CD_3 + CD_4}{2}\right) \times CLM}{525} \times .911 \times \text{ADA Annualizer} = ADA$$

(c) Annual Report:

$$\frac{\left(\frac{CD_1 + CD_2}{2}\right) \times CLM + \left(\frac{CD_3 + CD_4}{2}\right) \times CLM + \left(\frac{CD_5 + CD_6}{2}\right) \times CLM}{525} \times .911 = ADA$$

4. Calculation of ADA for intersessions* (including summer intersessions) from daily student contact hours is as follows:

$$\frac{\left(\frac{CD_1 + CD_2}{2}\right)}{525} \times CLM \times .911 = ADA$$

* Any intersession must be on daily census procedure or positive attendance.

Independent Study and Work Experience Courses — Reference

1. For independent study and work experience courses, one contact hour shall be counted for each unit of credit for which the student is enrolled. Contact hours must be multiplied by the number of weeks the course is scheduled to meet CLM before being reported on the CCFS-320. — ECS 84520(f) T5 58009

   (a) When the number of units which a student may be enrolled for or earn in a course is fixed, units of credit for attendance accounting purposes shall be determined at the time the student first enrolls in the course and ADA is reported in the period in which the course began. (Normal "census days" are not applicable to these courses.) — ECS 84520(f) T5 58009

   (b) When the number of units which a student may be enrolled for or earn in a course is variable, units of credit for which the student is "enrolled" shall be determined by the number of units awarded upon completion of the course and ADA is reported in the period in which the course is completed. — ECS 84520(f)

2. Calculation of ADA for independent study and work experience courses is on a course-by-course basis as follows:

   (a) First Period:

   $$\frac{\text{July 1 - December 31 Contact Hours*}}{525} \times \text{CLM} \times \text{ADA Annualizer} = \text{ADA}$$

   (b) Second Period:

   $$\frac{\text{July 1 - April 15 Contact Hours*}}{525} \times \text{CLM} \times \text{ADA Annualizer} = \text{ADA}$$

   (c) Annual:

   $$\frac{\text{July 1 - June 30 Contact Hours*}}{525} \times \text{CLM} = \text{ADA}$$

Actual Hours of Attendance Procedure

1. The actual hours of attendance procedure (commonly referred to as "positive attendance") is based on an actual count of enrolled students present at each class meeting and applies to the following types of courses: — ECS 84520(d)

* Units of credit.

| | | Reference |
|---|---|---|
| a. | Short Credit Courses. Credit courses scheduled to meet fewer than five days. | |
| b. | Irregularly Scheduled Credit Courses. Credit courses scheduled irregularly with respect to the number of days of the week and the number of hours the course meets on the scheduled days. | ECS 84520(d) |
| c. | Open Entry/Open Exit Courses. All open entry/open exit courses. | ECS 84520(e) |
| d. | In-Service Training Courses. Such credit courses, regardless of length, for police, fire, corrections and other criminal justice system occupations. | ECS 84520(c)(d) |
| e. | ADA for any credit course, except for independent study and work experience, may, at the option of the district, be computed using actual hours of attendance procedure. | ECS 84520(g) |
| f. | Noncredit Courses. All mandated noncredit courses. | |
| g. | Apprenticeship Classes of Related and Supplemental Instruction. Applicable only to other than indentured apprentice students in classes of related and supplemental instruction. (See Chapter 5 for apprentice student attendance accounting.) | |
| 2. | Average daily attendance of actual hours of attendance procedure courses is computed by dividing the total hours of actual attendance accumulated for the reporting period by 525 and multiplied by the ADA annualizer. | CCFS-320 |

# CHAPTER 4. AUDIT ACCOUNTABILITY

## Contents


| | Page |
|---|---|
| General | 4.02 |
| Suggested Information to Supplement Documentation | 4.02 |
| Inactive Enrollment | 4.03 |
| Extenuating Circumstances | 4.03 |
| Minimum Requirements of the Procedure for Adds and Drops | 4.03 |
| Audit Resolution Process | 4.04 |
| Required Documentation Tabulations | 4.05 |
| Census Procedure Courses | 4.05 |
| Actual Hours of Attendance Procedure Courses | 4.06 |
| Independent Study/Work Experience Courses | 4.06 |
| Apprenticeship Courses | 4.07 |
| Record Retention | 4.08 |
| Records Basic to Audit | 4.09 |
| Retention Period for Records Basic to an Audit | 4.10 |
| Microfilm Copy | 4.10 |
| Destruction of Fiscal Records | 4.10 |
| Exhibits - Apportionment Detail Listing by Course for CCFS-320, Apportionment Attendance Report | 4.11 |

CHAPTER 4

AUDIT ACCOUNTABILITY

Contents

| General | Reference |
|---|---|
| 1. Education Code Section 84040 requires the governing board of each community college district to provide for an annual audit of the financial records of the district. The audit must be made by a certified public accountant or a public accountant licensed by the State Board of Accountancy and performed in accordance with Department of Finance publication, Standards and Procedures for Audits of California Local Educational Agencies. A verification of compliance with Education Code and Title 5 attendance accounting regulations is included in the scope of the audit. It is the responsibility of the Chancellor to make any adjustments in apportionments of state funds to correct any discrepancies revealed by the annual audit. | ECS 84040<br>T5 58300 |
| 2. Each district governing board is required to adopt procedures for course enrollment, attendance and disenrollment documentation, including rules for retention of support documentation which would enable independent determination regarding accuracy of data submitted by the district as a basis for state support. Adopted procedures shall be so structured as to provide for internal controls. | T5 58030 |
| 3. Suggested information to supplement the documentation of each course as described below should include, but is not necessarily limited to, the following: | Admin. |
| a. Signature of the instructor on all primary attendance accounting documents as a certification of a true and accurate accounting. | |
| b. A statement of residency for each student, as appropriate. (See Chapter 2.) | |
| c. Any pertinent information concerning courses which have atypical characteristics relative to the contact hours claimed. | |
| 4. Each community college district shall maintain an official procedure to ensure compliance with Chapter 1 (commencing with Section 58000) of Division 9 of Part VI of Title 5 of the California Administrative Code: | |
| a. Census day. (See Chapter 1.) | ECS 84520(b)(c) |

Reference

b. Drop Date. (See Chapter 1.) T5 58004

c. Inactive enrollment in a course is defined as follows: T5 58004

(1) As of each census day: any student who, according to published college regulations, has

(a) Been identified as a no show, or
(b) Officially withdrawn from course, or
(c) Been dropped from course. A student shall be dropped if no longer participating in the course, except if there are extenuating circumstances. Definitions of nonparticpation shall include, but not be limited to, excessive unexcused absences as specified in procedures adopted by each local governing board pursuant to Title 5 Section 58030.

d. For purposes of Education Code Section 84522, extenuating circumstances are verified cases of accidents, illness, other circumstances beyond the control of the student, and other conditions defined by the local governing board and published in college regulations.

e. Minimum requirements of the procedure adopted by the local governing board pursuant to Title 5 Section 58030 for adds and drops shall be:

(1) Identification of student by name and number

(2) Type and date of transaction

(3) Documentation of origin of transaction by means of:

(a) Signature of student, or

(b) Signature or initials of instructor or other authorized person, or

(c) Other record identifying originator of transaction.

| Audit Resolution Process | Reference |
|---|---|
| 1. The Chancellor shall review each district's annual audit to determine whether the reports contain citings which may warrant further investigation. | T5 58302 |
| Further investigation is warranted when the district has: | |
| a. Failed to comply with attendance accounting standards, or | |
| b. violated rules and regulations defining limitations on State support, or | T5 58302 |
| c. Failed to comply with any standard monitored by means of a compliance question. | |
| 2. Prior to action to recover funds or other corrective measures, a district shall be given the opportunity to respond by presenting information which might mitigate or refute any audit citing selected by the Chancellor for further investigation. | T5 58304 |
| 3. If, upon reviewing a citing, the district's response and any other available information, there is a need for corrective action to resolve a citing, the Chancellor may require the district to do one or more of the following: | T5 58306 |
| a. Submit a corrected apportionment claim, | |
| b. Implement procedures to ensure future compliance with rules and regulation in question, or | |
| c. Report periodically to the Chancellor on the status of actions taken to comply with rules and regulations. | |
| If, upon reviewing a citing, the district's response and any other available information, the Chancellor finds there is no need for corrective action to resolve the citing, the district shall be informed as expeditiously as possible. | T5 58306 |
| 4. A district shall be held harmless against any audit citing not resolved within five years of the time the citing was first presented to the district governing board. | T5 58308 |

| Required Documentation Tabulations | Reference |
|---|---|
| 1. For each reporting period defined in Education Code Section 84801, a separate tabulation is required for each course section. Requirements vary for each of the following course categories: | ECS 84520<br>ECS 84801<br>T5 58020-<br>T5 58024 |
| a. Census procedures: | |
| (1) Weekly census procedure credit courses scheduled coterminously with the primary term. | |
| (2) Daily census procedure credit courses regularly scheduled, of five or more days in length, but not scheduled coterminously with the primary term. | ECS 84520<br>ECS 84801<br>T5 58020-<br>T5 58024 |
| b. Actual hours of attendance procedure (ADA generating) | |
| c. Independent study courses and work experience courses | |
| d. Apprenticeship classes of related and supplemental instruction | |
| 2. Each tabulation shall include a summary of hours claimed by residency category as specified on form CFS-320 and a grand total. | |
| 3. For courses subject to census procedures, a separate course section tabulation is required for each of the census categories. Each tabulation shall provide a detailed listing (in one cohesive document) for each census date as follows: | T5 58020 |
| a. Identification for either daily census or weekly census: | |
| (1) Static course identifier code<br>(2) Section identifier code<br>(3) Title<br>(4) Method of instruction code | |
| b. (1) Number of days the course is scheduled to meet for daily census only. | |
| (2) Number of weeks the course is scheduled to meet for weekly census only. | |
| c. (1) Number of class hours each course section is regularly scheduled to meet on each day for daily census only. | |

Reference

(2) Number of class hours (including TBA hours) each course section is regularly scheduled to meet each week for weekly census procedure. — ECS 84520 T5 58020

d. Beginning and ending dates of course section.

e. Date of Census days.

f. An alphabetical list of each student actively enrolled in each course section indicating:

(1) Name (last, first, initial)
(2) Student identification code
(3) Residency category as specified on form CCFS-320.

4. For actual hours of attendance procedure courses each course section tabulation shall provide a detailed listing (in one cohesive document) as follows: — T5 58022

a. Identification:

(1) Static course identifier code
(2) Section identifier code
(3) Title
(4) Method of instruction code

b. Number of days the course section is scheduled to meet.

c. Number of class hours the course section is scheduled to meet.

d. Beginning and ending dates of course section.

e. An alphabetical list of each student enrolled at any time during the course section indicating:

(1) Name (last, first, initial)
(2) Student identification code
(3) Residency category as specified on Form CCFS-320
(4) Actual student hours of attendance

5. For independent study or work experience courses each course section tabulation shall provide a detailed listing as follows: — ECS 84520 T5 58009 CCFS-320

a. Identification:

(1) Static course identifier code
(2) Section identifier code
(3) Title
(4) Method of instruction code

Reference

b. Number of weeks the course section is scheduled to meet.

c. Beginning and ending dates of course section.

d. An alphabetical list of each student actively enrolled in each course section indicating:

(1) Name (last, first, initial)
(2) Student identification code
(3) Residency category as specified on Form CCFS-320
(4) Scheduled units of credit for which enrolled (in fixed unit course) or earned (in variable unit course).

6. For apprenticeship courses of related and supplemental instruction pursuant to Labor Code Section 3074, each course section tabulation shall provide a detailed listing as follows: T5 58024 CCFS-321

a. Identification:

(1) Static course identifier code
(2) Section identifier code
(3) Title
(4) Method of instruction cod

b. Number of days the course section is scheduled to meet.

c. Number of minutes each course section session is scheduled to meet.

d. Beginning and ending dates of course section.

e. An alphabetical list of each student enrolled during the course section indicating:

(1) Name (last, first, initial)
(2) Student identification code
(3) Minutes of actual instruction

| Record Retention | Reference |
|---|---|
| 1. The following records have been classified as Class I--Permanent Records, and as such, shall be retained indefinitely unless microfilmed in accordance with Title 5, Section 59022(e): | T5 59023(a) |
| a. Annual Reports | |
| (1) Official budget | |
| (2) Financial report of all funds, including cafeteria and student body funds | |
| (3) Audit of all funds | T5 59023(a) |
| (4) Average daily attendance, including First Period, Second Period, Annual and all corrections | |
| (5) Other major annual reports, including: | |
| (a) Those containing information relating to property, activities, financial condition, or transactions | |
| (b) Those declared by board minutes to be permanent. | |
| b. Student Records consisting of the following: | T5 59023(d) |
| (1) The records of enrollment and scholarship for each student. Such records of enrollment and scholarship may include but need not be limited to: | |
| (a) Name of student; | |
| (b) Date of birth; | |
| (c) Place of birth; | |
| (d) Name and address of a parent having custody or a guardian, if the student is a minor; | |
| (e) Entering and leaving date for each school year and for any intersession; | |
| (f) Subjects taken during each year, half year, intersession or quarter; | |

Reference

(g) If grades or credits are given, the grades and number of credits toward graduation allowed for work taken.

(2) All records pertaining to any accident or injury involving a student for which a claim for damages has been filed as required by law, including any policy of liability insurance relating thereto, except that these records cease to be Class 1--Permanent Records one year after the claim has been settled or after the applicable statute of limitations has run. T5 59023

2. The following descriptions of records are classified as Class 3--Disposable Records: T5 59025(a)

a. Records Basic to Audit, including those relating to attendance, average daily attendance, or a business or financial transaction (purchase orders, invoices, warrants, ledger sheets, cancelled checks and stubs, student body and cafeteria fund records, etc.), and detail records used in the preparation of any other report.

b. "Drop Period" (0-25% point), the record of a student who was enrolled in a course whose attendance was used as a basis for state aid, shall not be purged from the files subsequent to such enrollment if for some reason the student is either dropped or withdraws from such class. The record shall be maintained but need not necessarily appear on the student's permanent record through the 25% point in the term. If such transactions are purged from the student's record, colleges shall maintain a listing of such purged transactions showing student name, identification number, course title and number, and effective date of drop or withdrawal.

c. "Withdrawal Period" (25-75% point), if a student is reported to be "active" as of the 75% point in the term, there shall be an entry in accordance with the grading policy of the college on the student's record for every course the student was actively enrolled in as of the 75% point in the term and either (a) becomes inactive prior to completing the course, or (b) completes the courses.

| Retention Period for Records Basic to an Audit | Reference |
|---|---|
| A Class 3--Disposable Record shall not be destroyed until after the third July 1 succeeding the completion of the audit required by Education Code Section 84040 requirement for annual audit or of any other legally required audit, or after the ending date of any retention period required by any agency other than the State of California, whichever date is later. | T5 59026(b) |

Microfilm Copy

Whenever an original Class 1--Permanent Record is photographed, microphotographed, or otherwise reproduced on film, the copy thus made is hereby classified as Class 1--Permanent. The original record, unless classified as Class 2--Optional, may be classified as Class 3--Disposable, and may then be destroyed in accordance with this chapter if the following conditions have been met: T5 59022(e)

a. The reproduction was accurate in detail and on film of a type approved for permanent, photographic records by the United States Bureau of Standards.

b. The chief administrative officer, or the designee of that officer, has attached to or incorporated in the microfilm copy or system a signed and dated certification of compliance with the provisions of Section 1531 of the Evidence Code, stating in substance that the copy is a correct copy of the original, or a specified part thereof, as the case may be.

c. The microfilm copy was placed in an accessible location and provision was made for preserving permanently, examining and using same.

Destruction of Fiscal Records

For the destruction of records please refer to California Administrative Code Title 5, Division 10, Chapter 2.5, Article 3 Procedures for Destruction, commencing with Section 59027. T5 59027ff

7/83

CALIFORNIA COMMUNITY COLLEGES
APPORTIONMENT DETAIL LISTING BY COURSE FOR CCFS-320
FOR FALL SEMESTER 1983

CCFS-320
FIRST CENSUS - PRIMARY TERM WSCH

| STATIC COURSE ID CODE | TITLE | SEC | PRIMARY INSTRUCTOR | MODE | DAYS | HOURS FROM | HOURS TO | NO. OF WEEKS | CLASS HRS PER WEEK | DATES BEGIN | DATES END | CENSUS DATE |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| CNSTR 103 | ROOF/FRAM SYS | 2B | GUNN | LEC | MW | 1200P | 130P | 19 | 3 | 091283 | 020184 | 100383 |

| STUDENT ID | STUDENT NAME | RESIDENCE CODE | STUDENT CONTACT HOURS RES | NONRES | TOTAL |
|---|---|---|---|---|---|
| 572-92-5436 | ATKINS ROBF | 67371 | 3.0 | | |
| 565-85-9796 | BAER HARVE | 67371 | 3.0 | | |
| 428-31-7428 | BALDWIN C | 67371 | 3.0 | | |
| 572-39-5567 | BALL JOH | 67371 | 3.0 | | |
| 557-86-7207 | BENSON | 70604 | | 3.0 | |
| 585-15-0835 | BERNAR | 67371 | 3.0 | | |
| 572-60-0593 | BROOK' | 67371 | 3.0 | | |
| 565-87-8336 | CLEME | 67371 | 3.0 | | |
| 420-46-5110 | COLL | 67371 | 3.0 | | |
| 571-43-4870 | DICK | 67371 | 3.0 | | |
| 564-71-6051 | FLEI | 67371 | 3.0 | | |
| 565-85-6449 | HALI | 70604 | | 3.0 | |
| 547-52-1080 | HER' | 67371 | 3.0 | | |
| 563-26-3870 | JOS | 67371 | 3.0 | | |
| 546-51-2280 | KAY | 67371 | 3.0 | | |
| 565-68-5135 | LEWI | 67371 | 3.0 | | |
| 568-69-5188 | MASK | 67371 | 3.0 | | |
| 545-40-9166 | McLAU | 67371 | 3.0 | | |
| 565-89-7975 | MURRA | 67371 | 3.0 | | |
| 572-64-1088 | NEEDY | 67371 | 3.0 | | |
| 546-46-7444 | OLSON . | 67371 | 3.0 | | |
| 563-89-9284 | OWEN A | 67371 | 3.0 | | |
| 430-97-8309 | PECK THL | 70604 | | 3.0 | |
| 566-06-5555 | PHILBROO | 67371 | 3.0 | | |
| 586-43-6805 | RONEY STE | 67371 | 3.0 | | |
| 566-24-5447 | SANTOS GA | 70604 | | 3.0 | |
| ***CONSTR 103 2B | | ***TOTAL STUDENTS 26 | ***TOTAL HOURS 66.0 | 12.0 | 78.0 |

4.11

Exhibit I

7/83

CCFS-320
FIRST CENSUS - DSCH

CALIFORNIA COMMUNITY COLLEGES
APPORTIONMENT DETAIL LISTING BY COURSE FOR CCFS-320
FOR FALL SEMESTER 1983

| STATIC COURSE ID CODE | TITLE | SEC | PRIMARY INSTRUCTOR | MODE | DAYS | HOURS FROM | HOURS TO | NO. OF DAYS | CLASS HRS PER DAY | DATES BEGIN | DATES END | CENSUS DAY |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| DRAFT 108 | ARCH DRAWG | 001 | GUNN | LEC | MW | 900A | 1000A | 18 | 1 | 101083 | 120783 | 101983 |

| STUDENT ID | STUDENT NAME | RESIDENCE CODE | STUDENT CONTACT HOURS RES | NONRES | TOTAL |
|---|---|---|---|---|---|
| 520-46-5420 | AYERS RIC | 67371 | 1.0 | | |
| 581-22-1004 | BARNHERT | 67371 | 1.0 | | |
| 572-57-2201 | BILLS A | 67371 | 1.0 | | |
| 546-48-0202 | BURNS ' | 70604 | | 1.0 | |
| 465-58-5028 | CARTEF | 67371 | 1.0 | | |
| 547-68-9021 | CROWE | 67371 | 1.0 | | |
| 568-52-4220 | CRYT' | 70604 | | 1.0 | |
| 466-62-7530 | DARR | 67371 | 1.0 | | |
| 565-52-4257 | FERN | 67371 | 1.0 | | |
| 592-22-8210 | FRE | 67371 | 1.0 | | |
| 573-54-6266 | FULI | 70604 | 1.0 | | |
| 544-65-4684 | GALI | 67371 | 1.0 | | |
| 546-58-2086 | GRI | 67371 | 1.0 | | |
| 571-50-1128 | HERI | 70604 | | 1.0 | |
| 489-62-2244 | HITE | 67371 | 1.0 | | |
| 572-54-8200 | LEWI | 67371 | 1.0 | | |
| 588-56-8134 | MUNOZ | 67371 | 1.0 | | |
| 443-20-8913 | PERRY | 67371 | 1.0 | | |
| 492-58-6922 | PURCELL | 67371 | 1.0 | | |
| 570-66-7206 | RYDELL | 70604 | | 1.0 | |
| 428-56-2508 | SANTOS & | 67371 | 1.0 | | |
| 526-44-6808 | SAYER WA | 67371 | 1.0 | | |

***DRAFT 108 001 ***TOTAL STUDENTS 22 ***TOTAL HOURS 18.0 4.0 22.0

4.12

Exhibit II

7/83

CCFS-320
ACTUAL HOURS OF ATTENDANCE

CALIFORNIA COMMUNITY COLLEGES
APPORTIONMENT DETAIL LISTING BY COURSE
SPRING SEMESTER 1984

| STATIC COURSE ID CODE | TITLE | SEC | PRIMARY INSTRUCTOR | MODE | DAYS | HOURS FROM | TO | NO. OF DAYS | CLASS HRS PER DAY | DATES BEGIN | END |
|---|---|---|---|---|---|---|---|---|---|---|---|
| D/H 1098 | DIESEL MNTCE | 002 | JENSEN | LAB | TTH | 200P | 300P | 24 | 1 | 020784 | 050384 |

| STUDENT ID | STUDENT NAME | RESIDENCE CODE | STUDENT RES | CONTACT HOURS NONRES | TOTAL |
|---|---|---|---|---|---|
| 520-46-5420 | AYERS RIC | 67371 | 24 | | |
| 581-22-1004 | BARNHERT | 67371 | 22 | | |
| 572-57-2201 | BILLS A | 67371 | 24 | | |
| 546-48-0202 | BURNS | 70604 | | 20 | |
| 465-58-5028 | CARTE | 67371 | 21 | | |
| 547-68-9021 | CROW | 67371 | 23 | | |
| 568-52-4220 | CRYT | 70604 | | 24 | |
| 466-62-7530 | DAR | 70604 | | 21 | |
| 565-52-4257 | FER | 67371 | [illegible] | | |
| 592-22-8210 | FRE | 67371 | 23 | | |
| 546-58-2086 | GR | 67371 | 16 | | |
| 489-62-2244 | HI | 67371 | 22 | | |
| 572-54-8200 | LE | 70604 | | 14 | |
| 492-58-6922 | PU | 67371 | 21 | | |
| 428-56-2508 | SAI | 67371 | 24 | | |
| 526-44-6808 | SAY | 67371 | 20 | | |
| 428-56-2508 | TOP | 70604 | | 22 | |
| 526-44-6808 | TRUS | 67371 | 23 | | |
| 592-22-8210 | VICT | 67371 | 22 | | |
| 573-54-6266 | WHITE | 67371 | 18 | | |
| 566-24-5447 | WHITT | 67371 | 20 | | |
| 586-42-6802 | WYNER | 67371 | 5 | | |
| 430-90-1086 | ZINTNE | 67371 | 20 | | |

***D/H 1098 002 ***TOTAL STUDENTS 23 ***TOTAL HOURS 368 101 469

4.13

Exhibit III

# CHAPTER 5. ACCOUNTING PROCEDURES FOR APPRENTICESHIP COURSES OF RELATED AND SUPPLEMENTAL INSTRUCTION

## Contents


| | Page |
|---|---|
| General | 5.02 |
| Definition | 5.02 |
| Attendance | 5.02 |
| Indentured Apprentices (Workload Measure) | 5.02 |

# CHAPTER 5

# ACCOUNTING PROCEDURES FOR APPRENTICESHIP COURSES OF RELATED AND SUPPLEMENTAL INSTRUCTION

## General

Reference

Effective in 1980-81 fiscal year, Senate Bill 1562, Chapter 750, Statutes of 1980 substantively changed the attendance accounting and funding of apprenticeship classes of related and supplemental instruction conducted pursuant to Section 3074 of the Labor Code.

## Definition

The term "indentured apprentice" means a person at least 16 years of age who has entered into a written agreement with an employer or his agent, an association of employers, or an organization of employees, or a joint committee representing both. — LCS 3077

## Attendance

a. Attendance accounting in any class identified as an apprenticeship class of related and supplemental instruction maintained pursuant to Section 3074 of the Labor Code must be on a positive attendance basis. — ECS 8150-8155, LCS 3077, CCFS-321

b. The student workload measure for indentured apprentices enrolled in apprenticeship courses is determined on the basis of each 50 minutes actual instruction per apprentice only. Hours generated by indentured apprentices in such classes are to be reported separately on Form CCFS-321, "Apprenticeship Attendance Report." — LCS 3077, CCFS-321

Data supporting apprenticeship instruction is subject to the same audit trail requirements as apportionment ADA. — T5 58024

The formula for computing "hours" of instruction is as follows:

$$\frac{\text{Number of indentured apprentices present} \times \text{Number of minutes of instruction}}{50} = \text{Apprentice hours of instruction}$$

Hours x Reimbursement Rate = State Aid

| | | Reference |
|---|---|---|
| c. | Attendance of students other than indentured apprentices in such classes continue to generate ADA based on the "class hour" concept. | |
| d. | Indentured apprentices enrolled in classes other than related and supplemental instruction, including programs of work experience, generate ADA and are included when reporting student contact hours on form CCFS-320, "Apportionment Attendance Report." | LCS 3077<br>CCFS-321 |
| e. | For reporting purposes any indentured apprentice officially enrolled in an apprenticeship class of related and supplemental instruction is a state "resident." | ECS 76142 |

## ADDENDA


| | | |
|---|---|---|
| Addendum A | Residence Questionnaire | A-1 |
| Addendum B | "Residence Determination for Certain Aliens" | B-1 |
| Addendum C | "Residence Determination: Financial Independence | C-1 |
| Addendum D | Courses Eligible for State Support | D-1 |

CALIFORNIA COMMUNITY COLLEGES

Residence Questionnaire

ADDENDUM A

NAME (Print full legal name. DO NOT use nicknames, initials or abbreviations) TELEPHONE

LAST FIRST MIDDLE (Area) Number

RESIDENCE ADDRESS (Legal/Permanent Address-DO NOT use P.O. Box Number)

Number & Street City State Zip

I have lived at this address since _____ If less than 2 years, show previous below:

Number and Street City State Zip

When did your present stay in California begin? _____
MO - DAY - YEAR

MAILING ADDRESS If you wish to receive mail at an address other than the residence address above, complete:

Number & Street City State Zip

BIRTHDATE _____ AGE _____
MO - DAY - YEAR

COMPLETE THIS AREA ONLY IF YOU ARE UNDER 19

NAME

Father (If living)

Mother (If living)

Legal Guardian

RESIDENCE ADDRESS (Number, Street, City, State, Zip) SINCE (MO - DAY - YR)*

Father

Mother

Guardian

*If less than two years, give previous addresses for last two years:

Relation Number & Street City State Zip

Have you lived continuously with any adult California resident other than parent or legal guardian during the past two years? ☐ yes ☐ no

If Yes, give name and address:

| HAVE YOU (or if you are under 19, your parents): | Yes | No | If yes, when: (year) |
|---|---|---|---|
| Registered to vote in a state other than California? | ☐ | ☐ | |
| Petitioned for divorce in a state other than California? | ☐ | ☐ | |
| Attended an out of state institution as a resident of that other state? | ☐ | ☐ | |
| Declared nonresidence for California state income tax purposes? | ☐ | ☐ | |

U.S. CITIZEN? ☐ Yes ☐ No IF NO, indicate type of visa:

- ☐ Permanent Resident Visa
- ☐ Student F-1
- ☐ Refugee
- ☐ Other (Specify)

NOTICE TO STUDENTS: If additional information is needed to determine your residence status, you will be required to complete a supplemental residence questionnaire and/or to present evidence in accordance with Education Code Sections 68040 et seq. The burden of proof to clearly demonstrate both physical presence in California and intent to establish California residence lies with the student.

I certify under penalty of perjury that the information on this application is correct and I understand that falsification or failure to report change in residence may result in my dismissal.

STUDENT SIGNATURE _____ DATE _____

ADDENDUM B

CHANCELLOR'S OFFICE

CALIFORNIA COMMUNITY COLLEGES
1238 S STREET
SACRAMENTO, CALIFORNIA 95814
(916) 445-8752

July 28, 1982

TO: Superintendents and Presidents

cc: Registrars and Admissions Officers

FROM: Thomas J. Nussbaum
Catherine Close

SUBJECT: Residence Determination for Certain Aliens

A recent decision of the United States Supreme Court, Toll v. Moreno, will have a substantial impact on residence classifications of certain aliens in the California Community Colleges. The purpose of this memorandum is to briefly share our interpretation of this decision and our suggested means of implementation. Please contact us if you have additional questions or would like to receive a more lengthy analysis of this case.

Pursuant to Education Code Section 68076, community college districts have been classifying as nonresidents all aliens who have not been lawfully admitted for permanent residence, or held a "green card", for one year prior to the residence determination date. In Toll v. Moreno the United States Supreme Court held that an identical policy adopted by the University of Maryland as applied to certain aliens imposed an additional burden not contemplated by Congress, and so violated the Supremacy Clause of the federal constitution.

To implement this decision, certain aliens should be allowed to establish residence using the same criteria as would be applied when evaluating any U. S. citizen. These aliens are those holding the following classifications:

1. Career diplomat visas - A
2. Foreign investor visa - E
3. International treaty organization - G
4. Foreign press visa - I
5. Fiance visa - K
6. Refugees

When the above aliens are classified as residents using the same criteria as applied to U. S. citizens, their attendance may be counted for apportionment purposes. All other alien students will continue to be classified as nonresidents, except in those limited circumstances previously authorized by statute.

ADDENDUM C

CHANCELLOR'S OFFICE

CALIFORNIA COMMUNITY COLLEGES
1238 S STREET
SACRAMENTO, CALIFORNIA 95814
(916) 445-8752

August 3, 1982

TO: Admissions Officers and Registrars

FROM: Catherine Close

SUBJECT: Residence Determination: Financial Independence

On July 22, 1982, Chancellor Hayward wrote each of your superintendents and presidents asking that you implement the provisions of Education Code Section 68044 as soon as possible. Since that time I have received several calls asking for assistance in your doing so.

Education Code Section 68044 defines financial independence and requires that a community college district consider whether a student is financially independent when the student seeks to be reclassified from a nonresident to a resident. The statute requires community college districts to consider the student's financial independence for the three preceding years. Regulations proposed for the Board of Governors give greater importance to financial dependence or independence in the immediately preceding year.

Enclosed are forms adopted from those used by the University of California for this purpose which you may use. To use the forms and apply the statute and proposed regulation, follow the following steps:

I. Determine the financial independence of every student who was previously classified as a nonresident and now seeks to be reclassified as a resident. This statute applies to all students first classified as nonresidents in your district. There is no upper age limit. You need not apply this statute to students who were classified as nonresidents by the University of California, the California State University, or another community college district.

   A student is financially independent only if he or she answers "No" to each of the questions Nos. 2, 3 and 5 for the current and preceding three calendar years.

II. Q. Is the student financially independent?
   Did the student answer "No" to each of the questions Nos. 2, 3 and 5 for the current and preceding three calendar years?

A. Yes? Classify the student aacording to your regular procedure.
No? Go to Question III.

III. Q. Was the student financially independent in the current and preceding calendar year, but dependent in the two preceding years? Did the student answer "No" to all questions Nos. 2, 3, and 5 for the current and preceding calendar year, but "Yes" to some question in the two preceding years?

A. Yes? Classify the student according to your regular procedure, but consider his or her financial dependence as a factor in determining whether the student had the intent to make California his or her residence.

No? Go to Question IV.

IV. Q. Is the student dependent on a resident of California?

A. Yes? Classify the student according to your regular procedure.

No? Go to Question V.

V. Q. Are there absolutely no other indications of continuing residence outside of California?

A. Yes? If there are no other indications of continuing residence outside of California, the student may be classified as a resident.

No? If there is any indication the student may intend to return to a residence outside of California, the student is a nonresident.

We understand that this process is cumbersome to administer, and we question whether it will result in any substantial revenue to California community colleges. Therefore, we would appreciate any statistics you are able to keep reflecting:

1. the number of students subjected to this procedure;
2. the number of students from whom nonresident tuition was collected as a result of this procedure;
3. the number of students who failed to register as a result of this procedure; and
4. your time and expense expended administering this statute.

CHANCELLOR'S OFFICE

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SACRAMENTO, CALIFORNIA 95814
(916) 445-8752

NEW LAW REQUIRES CONSIDERATION OF FINANCIAL INDEPENDENCE FOR STUDENTS SEEKING RECLASSIFICATION

The California Legislature has passed an amendment to California Education Code Section 68044, effective July 1, 1981, which requires consideration of the factor of financial independence for students classified as nonresidents seeking reclassification as residents. This is in addition to the other existing requirements necessary for a residence classification.

In order to establish financial independence, a student seeking reclassification must meet the following criteria for the current and immediately preceding three calendar years:

(1) That the student has not been claimed as an exemption for state and federal tax purposes by his or her nonresident parents;

(2) That the student has not received more than $750 from his or her nonresident parents; and

(3) That the student has not lived in the home of his or her nonresident parents for more than six weeks in any given year.

Failure to satisfy all of the financial independence criteria for the entire period will not necessarily result in a denial of residency status if the durational requirement is met and a showing of intent is sufficiently strong. Financial independence is of greater significance for the current and immediately preceding calendar year. Failure to satisfy all three of financial independence criteria for the current and immediately preceding calendar year will normally result in a determination of nonresidence. Only if such a student can demonstrate that there exists (1) no indication of continuing residence in another state, or (2) if the student is dependent on a California resident, could such a student be reclassified as a resident. Financial independence, or want of it, for the second and third calendar years immediately preceding the year in which reclassification is requested will be considered together with all other relevant factors in determining intent with no special weight attached to the financial independence factor.

Students must petition in person at the Registrar's office/Office of Admissions and Records for a change in classification from nonresident to resident status. Students should be prepared to provide appropriate written documentation.

STUDENT

AFFIDAVIT

STATE OF

COUNTY OF

I, _____, do declare that, if called as a witness, I could competently testify as follows:

1. I am a student at Santa Barbara City College, _____.

2. I have resided in the State of California since _____.

3. I have not been claimed as an exemption by my parents for federal and state income tax purposes since calendar year _____, and I will not be claimed as an exemption for calendar year 1982.

4. I have not received more than $750 in financial assistance from my parents in any calendar year since calendar year _____, and I will not receive more than $750 in financial assistance from my parents in calendar year 1982.

5. I have not lived in the home of my parents for more than six weeks in any calendar year since calendar year _____, and I will not live in their home for more than six weeks in calendar year 1982.

_____

Subscribed and sworn to before me

on _____ _____ _____, 19___,

at _____(state)

_____(county)

_____

Notary Public for State of

(Notarization required only if affidavit completed outside California )

PARENT

AFFIDAVIT

STATE OF

COUNTY OF

I, _____, do declare that, if called as a witness, I could competently testify as follows:

1. That I am the parent of _____ a student at Santa Barbara City College, _____

2. That I am a resident of the state of _____

3. That I have not declared my daughter/son as an exemption for federal and state income tax purposes since calendar year _____. (I attach copies of my federal and state income tax returns as verification of this fact.) I will not claim her/him as an exemption for federal and state income tax purposes for calendar year 1982.

4. That I have not provided more than $750 in financiai assistance to my daughter/son since calendar year _____, and I will not provide more than $750 in financial assistance to her/him in 1982.

5. That my daughter/son has not lived in my home for more than six weeks in any calendar year since calendar year _____ and she/he will not live in my home for more than six weeks in 1982.

_____

Subscribed and Sworn to before me
on _____, 19___,
at _____(state)
_____(county)

_____

Notary Public for State of

C-5

ATTACHMENT TO PETITION FOR RECLASSIFICATION

_____ SEMESTER, _____

1. Are your parents California residents? Yes ( ) No ( )

   If your parents are divorced or separated, indicate residence of each parent:

   _____ Mother _____ Father

2. Did you or will you live with your parents for more than six weeks in:

| | Yes | No |
|---|---|---|
| 1982 | ( ) | ( ) |
| 1981 | ( ) | ( ) |
| 1980 | ( ) | ( ) |
| 1979 | ( ) | ( ) |

3. Did you or will you receive more than $750 in financial assistance from your parents in:

| | Yes | No |
|---|---|---|
| 1982 | ( ) | ( ) |
| 1981 | ( ) | ( ) |
| 1980 | ( ) | ( ) |
| 1979 | ( ) | ( ) |

4. Source of your financial support in:

   1982 _____

   1981 _____

   1980 _____

   1979 _____

5. Did your parents or will your parents claim you as an exemption on their state and federal income tax returns in:

| | Yes | No |
|---|---|---|
| 1982 | ( ) | ( ) |
| 1981 | ( ) | ( ) |
| 1980 | ( ) | ( ) |
| 1979 | ( ) | ( ) |

_____ Signature _____ Date

## COURSES ELIGIBLE FOR STATE SUPPORT

| | CATEGORY | ATTENDANCE METHOD | CENSUS DATE | ATTENDANCE FORMULA |
|---|---|---|---|---|
| 1. | Full Term Courses<br>Credit courses regularly scheduled to be coterminous with the primary term. | Census/Positive | Monday of the week closest to one-fifth and three-fifths of the length of the term. | *Weekly student contact hours (WSCH) x term length multiplier x statewide factor (.911) divided by 525. |
| 2. | Less or Greater Than Full Term Courses<br>Credit courses regularly scheduled for five or more days in length but not scheduled to be coterminous with the primary term. | Census/Positive | Day of the week nearest to one-fifth and three-fifths the length of the course. | *Daily student contact hours x course length multiplier x statewide factor (.911) divided by 525. |
| 3. | Irregular or Less Than Full Term Courses<br>Credit courses scheduled to meet for fewer than five days and all courses scheduled irregularly with respect to the number of days of the week and the number of hours the course meets on the scheduled days. | Positive | N/A | *Actual hours of attendance divided by 525. |
| 4. | Open Entry - Open Exit (any length) (variable or fixed unit)<br>Open entry - open exit credit courses<br>Note: Title V, Section 58164 limits state apportionment to two times the class hours normally required to complete the course is determined by the district governing board. | Positive | N/A | *Actual hours of attendance divided by 525. |
| 5. | Independent Study and Work Experience Courses<br>Note: Hours are not adjusted by the statewide factor. | Fixed Units | N/A | *One weekly student contact hour for each unit of credit student enrolled x course length multiplier divided by 525. |
| | | Variable Units | N/A | *One weekly student contact hour x number of units of credit awarded x course length multiplier divided by 525. |
| 6. | Noncredit Courses | Positive | N/A | *Actual hours of attendance divided by 525. |
| 7. | Apprenticeship Courses | Positive | N/A | Actual minutes of attendance divided by 50. |

* An ADA annualizer is applied to first and second period formula.

ADDENDUM D





ERIC Clearinghouse for Junior Colleges OCT 28 1983